

AN ORDINANCE

AN ORDINANCE REPEALING AND REPLACING CHAPTER 24 OF THE LEON VALLEY CITY CODE "SUBDIVISIONS & PLATS" TO CREATE A NEW CHAPTER 24 "SUBDIVISIONS AND SUBDIVISION PLATS" AND PRESCRIBING A PENALTY OF NOT LESS THAN FIVE DOLLARS (\$5.00) NOR MORE THAN TWO THOUSAND DOLLARS (\$2,000.00)

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

THAT CHAPTER 24 OF THE CITY CODE IS HEREBY CREATED TO READ AS FOLLOWS:

1. A new Chapter 24 of the Leon Valley City Code, "Subdivisions and Subdivision Plats", is hereby created to read as follows:

**"CHAPTER 24 SUBDIVISIONS AND SUBDIVISION PLATS**

## SUBDIVISIONS AND SUBDIVISION PLATS

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## CHAPTER 24

### SUBDIVISIONS AND SUBDIVISION PLATS

#### SYNOPSIS

|        |                                       |
|--------|---------------------------------------|
| 24.100 | General Provisions                    |
| 24.200 | Definitions and Rules of Construction |
| 24.300 | Administration                        |
| 24.400 | Additional Regulations                |
| 24.500 | Subdivision Plat Procedures           |
| 24.600 | Subdivision Standards                 |
| 24.700 | Design Criteria                       |
| 24.800 | Guarantee of Performance              |
| 24.900 | Figures, Tables, and Exhibits         |

#### § 24.100 GENERAL PROVISIONS

##### 24.101 TITLE

These regulations shall be known and may be cited as Chapter 24 of the City Code of Leon Valley, Texas, and will be referred to herein as "this Chapter".

##### 24.102 AUTHORITY

This Chapter is adopted pursuant to the authority delegated to municipalities by the Constitution and laws of the State of Texas, particularly Chapters 43 and 212 of the Texas Local Government Code.

##### 24.103 PURPOSE

a. The purpose of this Chapter is to protect the public health, safety, and general welfare of the citizens of Leon Valley by promoting good planning and construction practice;

b. The provisions in this Chapter shall be administered to ensure orderly growth and development and shall supplement and facilitate the provisions in the master or comprehensive plan, zoning chapter, official maps and capital budget of the City; and

c. The requirement for parkland dedication is to provide recreational areas for the citizens of the community.

24.104 JURISDICTION

a. The provisions in this Chapter shall be applicable in the City of Leon Valley ("City") and its extra-territorial jurisdiction.

b. When necessary, to further its purposes, this Chapter shall be amended by the City Council of the City of Leon Valley ("Council").

24.105 FEES

Fees sufficient to recover City costs incurred in support of development activities will be charged in advance of providing said service in accordance with City ordinance(s).

24.106 PENALTIES FOR VIOLATIONS

a. Each violation of this Chapter shall be punishable by a fine of not less than five dollars (\$5.00), nor more than two thousand dollars (\$2,000.00), unless some other fine is specifically prescribed for a particular violation. Each day any violation occurs or continues to occur shall be considered a separate offense.

b. A fine or criminal penalty prescribed by this Chapter does not apply to a violation in the extraterritorial jurisdiction.

c. The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

§ 24.200 DEFINITIONS AND RULES OF CONSTRUCTION

24.201 WORDS AND PHRASES, RULES OF CONSTRUCTION

a. Words, phrases and terms defined in this Chapter shall be given the defined meaning.

b. Words, phrases and terms not defined in this Chapter but defined in the Buildings and Building Code found in Chapter 6 of the Leon Valley City Code "this Code", shall be constructed as defined in the Building Code.

c. Words, phrases and terms defined neither in this Chapter nor in the Buildings and Building Code adopted in Chapter 6, shall be given their usual and customary meanings in municipal planning and engineering practices, except where the context clearly indicates a different meaning.

d. The text of this Chapter shall control captions, titles and maps.

e. The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.

f. Words used in the singular include the plural, and words used in the plural include the singular.

g. Words used in the present tense include the future tense, and words used in the future tense include the present tense.

#### 24.202 WORDS AND PHRASES DEFINED

a. **ADMINISTRATIVE OFFICER:** The governmental officer charged with administering development regulations.

b. **ALLEY:** A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is intended primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

c. **APPLICANT:** A developer (or person) submitting an application for development. See **PERSON**.

d. **ARTERIAL STREET:** A street used primarily for fast or heavy traffic and designated in the major thoroughfare plan as a primary street, or expressway.

e. **BUILDING SETBACK LINE, FRONT:** The line within a property defining the minimum horizontal distance between a building and the adjacent street property line.

f. **BUILDING SETBACK LINE, SIDE:** The line within a property defining the minimum horizontal distance between a building and the side lot property line.

g. **CITY:** The City of Leon Valley, Bexar County, Texas.

h. COLLECTOR STREET: A street which primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

i. COMMUNITY (DISTRICT) PARK ZONE: The entire City of Leon Valley, including its extraterritorial jurisdiction, and any subsequent additions either to its incorporated limits or to its extraterritorial jurisdiction.

j. CROSSWALK WAY: A public right-of-way, six (6) feet or more in width between property lines, which provides pedestrian circulation.

k. CUL-DE-SAC: A street having one (1) outlet to another street and terminating on the opposite end by a vehicular turnaround.

l. DEAD-END STREET: A street, other than a cul-de-sac, with only one (1) outlet.

m. DEDICATION: A conveyance of land to the City and/or to the public in general by recorded instrument accepted by the City. A transfer of ownership of subdivision improvements to the City by petition and acceptance.

n. DETENTION BASIN: A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

o. DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land. See APPLICANT.

p. DRAINAGE EASEMENT: An interest in land granted to the City, to the public generally, for the construction, use, and maintenance of drainage facilities across, over, and under the private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance and/or repair of said drainage facilities.

q. DRAINAGE RIGHT-OF-WAY: A drainage easement granted to the City, to the public generally, for the construction, use, and maintenance of drainage facilities across, over, and under said public right-of-way. Said right-of-way shall be outside of and not contained within private property.

r. EASEMENT: An interest in land granted to the City, to the public generally, across, over and under private land for the construction, reconstruction, use and maintenance of public or quasi-public facilities including utilities, streets and sidewalks and within which easements the fee simple owner shall not erect any permanent structures.



s. ENGINEER: A person duly authorized and properly registered under provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering as evidenced by a valid Texas Engineer's Seal.

t. FEMA: The Federal Emergency Management Agency.

u. FINAL APPROVAL: The official action of the Council taken on a preliminarily approved subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

v. FINAL SUBDIVISION PLAT: The final map of all or a portion of a subdivision which is presented for final approval.

w. FIRE ACCESS ROADWAY: A roadway designed to withstand the live load weight of fire apparatus.

x. FIRE LANE: Any area adjacent to the entrance or exit of any building or buildings deemed necessary by the Fire Chief. This designated area may also include sidewalks, driveways, portions or parking lots or any other area directly adjacent to or near building entrances or exits, and to include any fire hydrant.

y. FIRE ZONE: A restricted area clearly delineated and marked to facilitate access to hydrants and buildings, and as designated to be situated by the Fire Chief.

z. GUARANTEE OF PERFORMANCE: A security instrument or cash bond acceptable to the City, furnished by a developer to the City, to ensure construction of all subdivision public improvements within required time limits for such construction. See PERFORMANCE GUARANTEE.

aa. LOT: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate lot, and which is identified by a lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

bb. LOT, AREA: The size of a lot measured by the lot lines and expressed in terms of acres or square feet.

cc. LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets.

dd. LOT, DOUBLE FRONTAGE: A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

ee. LOT, FLAG: A lot, the bulk of which property is behind another lot, and where frontage on the public street is limited and access thereto is by way of a narrow portion of the lot.

ff. LOT, FRONTAGE: That portion of a lot extending along a street line.

gg. LOT, INTERIOR: A lot other than a corner lot.

hh. LOT, IRREGULAR: A lot whose opposing property lines generally are not parallel, such as a pie-shaped lot on a cul-de-sac, where the side property lines are not parallel to each other; or a flag-shaped lot.

ii. LOT, REVERSE CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

jj. LOT, REVERSE FRONTAGE: A through lot that is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

kk. MARGINAL ACCESS STREET: A street which primarily provides access to abutting properties and protection from through traffic and is parallel to and adjacent to an arterial street.

ll. MASTER PLAN, LEON VALLEY: The City of Leon Valley Master Plan and as may be amended from time to time.

mm. MINOR STREET: A street which primarily provides for access to abutting residential property.

nn. MONUMENT: An artificial mark or marker of relative permanence established by a surveyor to designate or reference to the proper location of a property corner.

oo. NEIGHBORHOOD PARK ZONE: A park which serves about one (1) square mile of urban area, may serve from 2,000 to 10,000 persons, and those zones into which the City is divided for the purpose of parks and recreation planning.

pp. NON-ACCESS EASEMENT: See VEHICULAR NON-ACCESS EASEMENT.

qq. OFFICE: Any office referred to in this Chapter by title means the person employed or appointed by the City in that position, or his duly authorized representative.

rr. PARK IMPROVEMENTS: Any improvements which directly benefit, and contribute to, the development of park land for the enjoyment and use of the general public. Such improvements may include, but shall not be limited to, the following:

1. Curb/gutter and one-half paving section costs

bordering all park land;

2. Water/sewer line costs bordering all park land;
3. Land forms such as berms;
4. Improvements related to increased public access to park land, such as sidewalks, pedestrian bridges and certain drainage improvements;
5. Park land; and/or
6. Park equipment.

ss. **PARKS AND RECREATION PLAN:** The document of said title adopted by the Leon Valley City Council, which may or may not be incorporated into the Leon Valley Master Plan.

tt. **PAVEMENT WIDTH:** The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

uu. **PERFORMANCE GUARANTEE:** Any security that may be accepted by a municipality as a guarantee that the public improvements required for development will be satisfactorily completed. See **GUARANTEE OF PERFORMANCE**.

vv. **PERSON:** A natural person, heirs, executors, administrators or assigns, and also includes firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

ww. **PLAT:** See **SUBDIVISION PLAT**.

xx. **PRELIMINARY ACCEPTANCE (APPROVAL):** The action taken by the City Council prior to final approval (acceptance) of a subdivision plat or the public improvements therein which confer certain privileges and responsibility to the subdivider regarding property to be developed or public improvements which have been constructed.

yy. **PRIVATE STREET:** A non-public right-of-way used for vehicular access and constructed and maintained by a private entity.

zz. **PRIVATELY MAINTAINED DRAINAGE EASEMENT:** A drainage easement granted to the public and maintained by the property owner over which the easement is granted.

aaa. **PUBLIC IMPROVEMENT:** Any drainage facility, street, alley, sidewalk, water or sanitary sewer facility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect as improvement for which local government responsibility is established.

bbb. **REPLAT, SUBDIVISION:** The creation of a new lot or lots out of an area previously platted and recorded by specific procedures allowed by State statute.

ccc. **RESERVE STRIP:** A narrow strip of land not suitable for building upon, ownership of which is retained by a subdivider generally for the purpose of blocking access to a public street.

ddd. **RESIDENTIAL:** Any use defined by the Leon Valley Zoning Code, Chapter 30, as residential, including all zoning districts with the "R" designation.

eee. **RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final subdivision plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the subdivision plat on which such right-of-way is established.

fff. **SAFETY LANE:** A designated area on an approved subdivision plat which has a primary purpose of providing access for safety vehicles in any development where public streets do not adequately provide such access.

ggg. **SECONDARY STREET:** A street which primarily provides vehicular circulation to various sections of the City.

hhh. **SETBACK:** The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

iii. SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

jjj. STREET: A public right-of-way, however designated, which provides vehicular access to adjacent land.

kkk. SUBDIVIDER: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein.

lll. SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, subdivision plat, or other recorded instrument.

mmm. SUBDIVISION PLAT: The drawing prepared in accordance with these regulations on which the subdivider's plan of subdivision is presented to the City for approval and which, when approved in final form, may be submitted to the County Clerk or Recorder of Deeds for filing.

nnn. SURVEYOR: A Registered Public Surveyor, authorized by the State statutes to practice the profession of surveying as evidenced by a valid Texas Surveyor's Seal.

ooo. UTILITY EASEMENT: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance, repair or replacement of said utilities.

ppp. VARIANCE: A waiver from compliance with a specific provision of the subdivision ordinance granted to a particular property owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that provision of the ordinance. The granting of variances is the responsibility of the City Council.

qqq. VEHICULAR NON-ACCESS EASEMENT: An easement established on a lot for the purpose of prohibiting ingress and egress to vehicular traffic and also known as a NON-ACCESS EASEMENT.

§ 24.300 ADMINISTRATION

24.301 AUTHORITY OF CITY ENGINEER

The City Engineer is hereby authorized and directed to promulgate rules, regulations, standards and specifications for the construction, installation, design, location and arrangement of streets, curbs, street lights, street signs, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, drainage facilities, and crosswalk ways. All public improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications as established herein. The City Engineer shall also review subdivision plats for conformance with these regulations and make recommendations regarding subdivision plat approval to the Council.

24.302 SUBDIVIDER'S RESPONSIBILITY FOR COSTS

a. The developer (applicant) shall be responsible for ALL costs relating to his development, included but not limited to:

- utilities required;
1. Construction of all streets, sidewalks, drainage and
  2. All design and other professional fees;
  3. All permits and fees; and
  4. City incurred charges from the City Engineer(s) or City Attorney(s) and their staff in support of the development at any stage of process.

b. Payment of all City charges shall be in advance of the service provided and in accordance with City ordinance(s).

§ 24.400 ADDITIONAL REGULATIONS

a. No permit shall be issued by the City or other regulatory agency for the installation of septic tanks upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

b. No permits for parking lot construction, nor permits for building, repair, plumbing, gas or electric work shall be issued by the City for any structure on a lot in a subdivision for which a final subdivision plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full

unless authorized in writing by the City Engineer and Development Director. Permits approved by the City Inspector for security fencing or curb cuts for access may be issued for unplatted lots. Temporary occupancy permits may be issued at the City's sole discretion provided that the public infrastructure is substantially complete and operational. The determination regarding temporary occupancy is made by the City Inspector.

c. The City shall not permit repair, maintenance, installation or provision of streets or public utility services in any subdivision for which a final subdivision plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

d. Except as provided in paragraph (g) below, the City shall not sell or supply or permit the sale or supply of any water, gas, electricity, or sewage service within a subdivision for which a final subdivision plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

e. On behalf of the City, the City Attorney shall, when directed by the Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter or the standards referred to herein with respect to any violation thereof which occurs within the City, or within the extraterritorial jurisdiction of the City.

f. If any subdivision exists for which a final subdivision plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, Council may pass a resolution reciting the fact of such noncompliance or failure to secure final subdivision plat approval, and reciting the fact that the provisions of paragraphs (a), (b), (c), and (d) of this Section will apply to the subdivision and the lots therein, the City Secretary shall, when directed by Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of Bexar County. If full compliance and final subdivision plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of Bexar County stating that paragraphs (a), (b), (c), and (d) no longer apply.

g. Provided, however, that the provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of Ordinance No. 252 of the City on July 16, 1968, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to, or abutting any legally recorded lot which was in existence prior to the passage of such ordinance.

|   |        |                             |
|---|--------|-----------------------------|
| § | 24.500 | SUBDIVISION PLAT PROCEDURES |
|   | 24.501 | PRELIMINARY CONFERENCE      |

Prior to the official filing of a preliminary subdivision plat, the subdivider shall consult with and present a proposed plan of the subdivision to City staff for comments on procedures, specifications, and standards required by the City for the subdivision of land.

24.502      PRELIMINARY SUBDIVISION PLAT & ACCOMPANYING  
DATA

a.      GENERAL

1.      The subdivider shall cause a preliminary subdivision plat to be prepared by a Texas licensed engineer or surveyor in accordance with this Chapter.

2.      Subdivision plats, which in the opinion of the City involve engineering considerations, shall contain the seal and certificate of a Texas registered engineer acceptable to the City Development Staff.

b.      COPIES REQUIRED

The subdivider shall file five (5) black or blue line copies of the preliminary subdivision plat with City staff.

c.      PRELIMINARY FEES

Said preliminary subdivision plat shall be accompanied by all subdivision plat administration and filing fees, according to City ordinance(s).

d.      FORM AND CONTENT

1.      The preliminary subdivision plat shall be drawn at a scale of 100 feet to one (1) inch on sheets eighteen (18) inches wide and twenty-four (24) inches long, with a binding margin of not less than 2-1/2 inches on the left side of the sheet and margins of not less than 3/8 inches on the other three (3) sides.

A.      Where more than one (1) sheet is necessary to accommodate the entire computed area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the subdivision plat.

2.      The subdivision plat shall show the following:

A.      Name(s) and address(es) of the sub-divider, record owner, and engineer or surveyor;

B.      Proposed name of the sub-division, which (except for subdivision replats) shall not have the same spelling as, or be pronounced similar to the name of any subdivision located within the City or within five (5) miles of the City;

C.      Name(s), volume and page number(s) of recording of contiguous subdivisions and/or indication that contiguous properties are not platted;

D.      Subdivision boundary lines, indicated by heavy



lines, and the approximate acreage of the subdivision;

E. Existing site features to include:

(1). The location, dimensions, description and names of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries or which have an influence on the subdivision plat;

(2). The location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, and other sites within or contiguous with the subdivision or which are across an alley from the subdivision plat; and

(3). The location and dimensions of all existing improvements on lot to be platted, including buildings, utilities and parking areas (shown on separate site plan).

F. The location, dimensions, description and name of all proposed streets, alleys, parks, public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision;

G. Preparation date, scale of subdivision plat and north arrow;

H. Topographical information, including contour lines on a basis of five (5) vertical feet in terrain with an average slope of five (5) percent or more, and on a basis of two (2) vertical feet in terrain with an average slope of less than five percent (5%);

I. Number or letter to identify each lot or site and each block (said number shall be coordinated by the developer with the Clerk of Bexar County to prevent duplication);

J. Front and rear building setback lines on all lots and sites;

K. Side yard building setback lines at street intersections and crosswalk ways; and

L. Location map at a scale of not more than 4,000 feet to one (1) inch which shall show existing adjacent subdivisions and major streets.

e. ACCOMPANYING DATA

The preliminary subdivision plat shall be accompanied by a

proposed Master Plan of all of developer's property when subdivision is a part of a larger tract, which shall be prepared at a scale of not more than 400 feet to one (1) inch, depicting:

1. Existing and proposed subdivisions, including streets, lots, parks, drainage easements, and rights-of-way;
2. Location of City limit line(s) and the outer border of the City's extraterritorial jurisdiction, as applicable;
3. Zoning district boundaries, if required;
4. The general drainage plan, flow line of existing water courses, existing drainage structures, and ultimate destination of water; and
5. Letter of Authorization signed by the property owner or agents authorized to act on behalf of the property owner in the form set out in Exhibits attached hereto. If a Letter of Authorization is signed by an agent acting on behalf of the property owner, the Letter must be accompanied by a letter from the property owner authorizing the agent(s) to act on his behalf. (The letter of agent authorization from the property owner shall be in the form set out in Exhibits attached hereto.)
6. Where existing buildings are involved on the lot being created, a drawing showing the location of the buildings and related parking shall be submitted. Sufficient parking shall be demonstrated to match existing needs but not less than that amount required by current Zoning Code.

f. PROCESSING OF PRELIMINARY SUBDIVISION PLAT

1. The Development Department and other City staff shall check the preliminary subdivision plat as to its conformity with the Master Plan, major street plan, land use plan, zoning district(s) and the standards and specifications set forth herein or referred to herein.
2. Within sixty (60) days after the preliminary subdivision plat is formally submitted and is determined to be a complete submittal, staff shall conditionally approve or disapprove such subdivision plat or conditionally approve it with modifications. If appropriate, staff will solicit the recommendations of the Council. If Council or staff conditionally disapproves or conditionally approves with modifications, staff shall inform the sub-divider, in writing, of the reasons at the time such action is taken:
  - A. Conditional approval of a preliminary subdivision plat by Council or staff shall be deemed an expression of approval of the layout submitted on the preliminary subdivision plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final, or record subdivision plat. Conditional approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, automatic or otherwise; and
  - B. Conditional approval of a preliminary subdivision plat shall be effective for one (1) year unless further reviewed by the City Engineer at the request of the City in light of new or significant information which would necessitate a revision of the

preliminary subdivision plat. If the City Engineer should deem changes in a preliminary subdivision plat to be necessary, he shall so inform City staff, who shall inform the subdivider, in writing; and

C. If, during the review process and prior to preliminary approval, subdivider fails to come into substantial conformance as determined by the City within six (6) months, the subdivision plat shall be considered withdrawn and all applicable filing fees shall be retained by the City.

3. The applicant may petition the City for one (1), six-month extension of the preliminary approval which may be approved if there have not been material changes in the City's development or policies.

4. The preliminary subdivision plat shall be considered expired if the developer has not secured from the City:

D. approval of a final subdivision plat within the one-year preliminary subdivision plat approval effective time; or

E. a six-month extension of preliminary subdivision plat approval.

#### 24.503 FINAL SUBDIVISION PLAT AND ACCOMPANYING DATA.

a. GENERAL.

The final subdivision plat and the accompanying data shall be submitted to the City Council for approval. Within thirty (30) days after the final subdivision plat is formally filed and has been determined by City staff as being in substantial conformance with this Chapter, the Council shall approve or disapprove such subdivision plat.

b. COPIES REQUIRED.

The subdivider shall submit seven (7) copies of the final subdivision plat, together with two (2) Mylar reproducibles, one (1) of which is an original.

c. FORM AND CONTENT.

1. The final subdivision plat shall conform to the preliminary subdivision plat as conditionally approved by the City incorporating any and all changes, modifications, alterations, corrections and conditions recommended by the City.

2. The final subdivision plat shall be drawn in India ink on linen tracing cloth or Mylar sheets at a scale of 100 feet to one (1) inch on sheets eighteen (18) inches wide and twenty-four (24) inches long with a binding margin of not less than 2-1/2 inches on the left side of the sheet and margins of not less than 3/8 inches on the other three (3) sides.

A. Where more than one (1) sheet is necessary to accommodate the entire computed area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the subdivision plat.

B. The final subdivision plat shall contain all of the features required for preliminary subdivision plats in Section 24.502 above and shall also include the following:

(1). The exact location, dimension, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, computed area, and central angle, tangent distance and length of all curves, where appropriate;

(2). The exact location, dimension, name and description of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, monuments, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles, tangent distance and length of all curves, where appropriate. All lot corners shall be marked with monuments in accordance with the requirements of the Texas Board of Professional Land Surveyors but not less than with one-half inch diameter by two (2) feet long iron pins;

3. Flood Insurance Regulations:

A. All subdivision plats must conform to Federal Flood Insurance Program regulations. All subdivision plats shall reflect the 100-year base flood elevations as determined by the Federal Emergency Management Agency "FEMA", where applicable;

B. Where the 100-year flood plain elevations have not been established by FEMA, the applicant's engineer shall provide hydraulic studies for City's approval and thereafter reflect limits of the flood plain on subdivision plat;

C. For developments containing more than fifty (50) lots or more than five (5) acres, or when requested by the City and after verification by the applicant's engineer, the following certificate will be annotated on the subdivision plat: "No part of the property contained within this subdivision plat is within the 100-year flood plain as shown on the City's Flood Insurance Rate Map"; and

D. Drainage improvements which reduce the Base Flood Elevations will require the developer to process revisions to FEMA maps through FEMA at the developer's sole cost, such FEMA map revision (C.L.O.M.R) must be completed prior to Council Consideration of the plat.

4. Subdivision Plat Certificates: Subdivision plats will be annotated with the certificates set out in Exhibits attached hereto in addition to any other required annotations indicated by this Chapter.

d. ACCOMPANYING DATA.

When filed, the final subdivision plat shall be accompanied by the following site improvement data: (All plans and calculations shall bear the live seal of the engineer.)

1. Streets, Alleys, and Sidewalks.

A. Five (5) copies of plans and profiles of all streets, alleys and plans for sidewalks.

B. Five (5) copies of construction specifications and detailed cost estimates which shall include provisions for fifteen percent (15%) engineering and contingency calculations. Plans are to be drawn at a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with bench marks using United States Geological Survey (U.S.G.S.) data.

C. All streets with a pavement width larger than 30 feet shall be provided with a geo-technical soil evaluation and pavement design analysis. The recommendation of the pavement design shall be incorporated into the final plans.

2. Sanitary Sewers.

A. Five (5) copies of plans and profiles of proposed sanitary sewer lines indicating type, sizes, depths, and grades of lines. Plans shall be to a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical and shall show existing as well as proposed sewers.

B. Five (5) copies of construction specifications and detailed cost estimates which shall include a fifteen percent (15%) engineering and contingency calculations.

3. Water Lines.

A. Five (5) copies of plans of all proposed water lines and fire hydrants, showing type and sizes of the lines. The plan shall be prepared at a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with bench marks using U.S.G.S. datum.

B. Five (5) copies of construction specifications and detailed cost estimates and which shall include fifteen percent (15%) engineering and contingency calculations.

4. Storm Drainage (see Exhibit "w").

A. Five (5) copies of the storm drainage plan, prepared to a scale of no larger than one (1) inch equals fifty (50) feet, longitudinal, and one (1) inch equals five (5) feet, vertical; with bench marks using U.S.G.S. datum. Plans shall indicate:

(1). All street widths and grades;

(2). Runoff figures on the outlet and inlet

side of all drainage ditches and storm sewers;

(3). Runoff figures at all points in the street at changes of grade or where the water enters another street, storm sewer, or drainage ditch, if requested by the City Engineer; and

(4). Drainage easements.

B. A general location map of the subdivision showing the entire watershed (United States Geological Survey Quadrangle is satisfactory).

C. Calculations showing the anticipated storm water flow, including watershed area, percent runoff, time of concentration, base flood elevations, and limits of flooding. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing the basis for the design.

D. Where required by the City Engineer or by site considerations, the storm drainage plan shall include provisions for storm water retention and or pollution control elements.

E. Five (5) copies of complete plans, profiles, and specifications (when a drainage channel or storm sewer is proposed) showing complete construction details.

5. Tax Certificates from the City, School District and County, which indicate that all ad valorem taxes have been paid, up to and including the current year, on all land included within the final subdivision plat.

6. A utility layout sheet or other document signed by all affected utility companies indicating their approval of the subdivision plat and provision for service. The utility layout sheet will show the location of each proposed utility and the type of backfill, which shall conform to the requirements of the City's right-of-way management manual. Street lights will be provided for the subdivision. The location of street lights will be shown on the layout sheet.

7. A letter of review approval from the Texas Department of Transportation if the subdivision plat abuts a State highway system.

8. A Performance Bond, Site Trust Agreement, Cash, Cashier's Check or Letter of Credit, in a format as described in this Chapter and which is sufficient to guarantee that the subdivider will complete any and all required public improvements shall be submitted prior to filing of plat.

9. The developer will provide the City with evidence that the design and construction phase of the proposed work is under the control and supervision of an

engineer familiar with the work. This evidence will consist of a submittal to the City of an executed and funded professional services agreement.

e.        **PROCESSING OF FINAL SUBDIVISION PLAT.**

1.        If desired by the subdivider and approved by Council after recommendation from the City Engineer, the final subdivision plat may constitute only that portion of the approved preliminary subdivision plat which he proposes to record and develop; however, such portion shall conform to all requirements of this Chapter.

2.        Except for subdivision replats or amending subdivision plats, no final subdivision plat will be considered unless a preliminary subdivision plat has been submitted.

3.        A final subdivision plat of an approved preliminary subdivision plat or a portion thereof shall be submitted to the Council within twelve (12) months of the date of approval of preliminary subdivision plat; otherwise, the approval of the City shall become null and void, unless a one-year extension of time is applied for and granted by Council. If, during the review process and prior to final approval, subdivider fails to come into substantial conformance as determined by the City within six (6) months, the subdivision plat shall be considered withdrawn and all applicable filing fees shall be retained by the City.

4.        If the final subdivision plat is disapproved, the City shall inform the subdivider, in writing, of the reason(s) at the time such action was taken.

5.        After the final subdivision plat has been approved and the subdivider has filed the guarantee of performance and maintenance bond as hereinafter provided and after all fees and charges have been paid and all conditions required by the Council have been satisfied, the City shall cause the final subdivision plat to be recorded with the County Clerk.

24.504 VACATING A SUBDIVISION PLAT

a. The force and effect of a recorded subdivision plat may be destroyed by properly executing and recording an instrument declaring such subdivision plat to be vacated. The instrument shall be substantially in the same form as the applicable Vacating Declaration, Form "A"

or Form "B", set out in Exhibits attached hereto. The executed Vacating Declaration shall be filed with the City together with five (5) copies of the subdivision plat to be vacated, and, following approval by Council, the Declaration shall be recorded in the Plat and Deed Records of Bexar County.

b. If the Vacating Declaration is filed with the City prior to the sale of any lot on the subdivision plat being vacated, a declaration in substantially the same form as the Declaration "Form A" herein (exhibit (i.1)) must be signed and acknowledged by the owners of the land covered by the subdivision plat being vacated.

c. In cases where lots have been sold, the subdivision plat or any part thereof may be vacated upon the execution and recordation of a declaration in substantially the same form as the Declaration "Form B" herein (exhibit (i.2)). Such declaration requires the signature and acknowledgment of all the owners of lots in the subdivision plat being vacated.

d. Upon filing the Vacating Declaration Form, a filing fee equal to the Bexar County recordation fee shall be paid to the City, along with all other City charges prescribed by ordinance.

e. The resubdivision of the land covered by a subdivision plat that is vacated shall be platted in the same manner as is prescribed by these regulations for an original subdivision plat.

1. A copy of the applicable Vacating Declaration Form shall be submitted with the resubdivision plat.

2. When processed simultaneously, the resubdivision plat shall be annotated generally as follows:

"The area being resubdivided in this subdivision plat had been previously platted on a subdivision plat which is recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Bexar County Plat and Deed Records, and was vacated through a vacating declaration being recorded on the same date as this resubdivision plat."

3. When processed separately (vacating filed in advance), the resubdivision plat shall be annotated generally as follows:

"The area being resubdivided in this subdivision plat had been previously platted on a subdivision plat which is recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Bexar County Plat and Deed Records, and was vacated through a vacating declaration being recorded on \_\_\_\_\_ (date) as this resubdivision plat."



24.505 REPLATTING WITHOUT VACATING PRECEDING  
SUBDIVISION PLAT

a. CONDITIONS:

A subdivision or a portion thereof may be replatted without vacating the preceding subdivision plat of such subdivision under the following conditions:

1. Replat must be signed and acknowledged by only the owners of the particular properties being replatted;
2. Replat does not attempt to amend or remove any covenants or restrictions;
3. Replat must be approved by the Council after a public hearing in relation thereto at which interested parties and citizens shall have had an opportunity to be heard;
4. If any of the area to be replatted was, during the preceding five (5) years, limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or if any lot in the preceding subdivision plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot, the procedures outlined in Section 24.505.b.3., below shall be followed before the approval of the Council can be given; and
5. If all of the area to be replatted was designated or reserved for use other than for single-or two-family use by notation on the last legally recorded subdivision plat or in the legally recorded deed restrictions applicable to such subdivision plat, the procedures outlined in Section 24.505.b.2., below, shall apply.

b. PROCEDURES:

1. The procedures and specifications pertaining to subdivision plats contained within this Chapter shall also apply to a replat.
2. Additional requirements for certain replats: the following procedures and specifications shall apply to a replat to which the conditions stated in Section 24.505.a.4., above, **do not apply**:
  - A. A certificates in the same form as the applicable certificates as shown in Exhibits attached hereto as Form "C", "D", or "E" (exhibits (j),(k),(l)) shall be affixed to the replat.

B. The replat shall be annotated generally as follows:

"The area being replatted had been previously platted on a subdivision plat which is recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Bexar County Deed and Plat Records."

C. When the replat is filed with the City, the Council will, at its next regular meeting, set a date on which to hold a public hearing pertaining to the replat; such date not to be sooner than seven (7) days nor more than thirty (30) days from the date on which the Council takes such action. Council will cause due notice of such public hearing to be given.

D. At the time the replat is filed with the City for processing, the subdivider shall pay to the City all applicable fees as defined by ordinance.

3. If the conditions stated in Section 24.505.a.4., above, do apply to a proposed replat, the following procedures and specifications (in addition to those contained elsewhere in this Chapter) shall apply:

A. The subdivider shall provide to the City written notice of intention to file with the Council a replat to which the conditions stated in Section 24.505.a.4. apply. The notice shall be accompanied by a certified list of the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.

B. The City shall set a date for a public hearing in relation to the proposed replat and shall cause a notice of such public hearing to be published at least fifteen (15) days prior to the scheduled date of the proposed public hearing in an official paper or a paper of general circulation in Bexar County.

C. The City shall provide notice of the public hearing to the owners of lots contained on the list submitted by the subdivider by depositing such notice properly addressed and postage paid in a post office or postal depository within the city limits of the City at least fifteen (15) days prior to the scheduled date of the public hearing. A copy of the Local Government Code, Chapter 212, Section 212.015(c), shall be included with the notice.

D. If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Council. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Council prior to the close of the public hearing.

E. In computing the percentage of land area under Section 24.505.b.3.D., above, the area of streets and alleys shall be included.

F. The proposed replat itself shall not be considered to be filed with the City prior to the date on which the public hearing referred to in Section 24.505.b.3.B, above, is held.

G. The replat will be annotated:

(1). By a certificate substantially in the same form as the applicable certificate, Form "C", "D", or "E", attached herein; and

(2). Generally as follows: "The area being

replatted had been previously platted on a subdivision plat which is recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, Bexar County Plat and Deed Records."

H. At the time the notice referred to in Section 24.505.b.3.A.2, above, is provided to the City, the subdivider shall pay to the City a fee for public hearing as described by ordinance.

## 24.506 AMENDING SUBDIVISION PLAT

a. The City may approve and issue an amending subdivision plat, which may be recorded and is controlling over the preceding subdivision plat, without vacation of that subdivision plat if the amending subdivision plat is signed by the owner(s) only and is solely for one (1) or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding subdivision plat;
2. To add a course or distance that was omitted on the preceding subdivision plat;
3. To correct an error in a real property description shown on the preceding subdivision plat;
4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. To show the proper location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding subdivision plat;
6. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving subdivision plats, including lot numbers, acreage, street names, and identification of adjacent recorded subdivision plats;
7. To correct an error in courses and distances of lot lines between two (2) adjacent lots on the preceding subdivision plat if:
  - A. both lot owners join in the application for amending the subdivision plat;
  - B. neither lot is abolished;
  - C. the amendment does not attempt to remove recorded

covenants or restrictions; and

D. the amendment does not have a material adverse effect on the property rights of the other owners in the subdivision plat;

8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

9. To relocate one (1) or more lot lines between one (1) or more adjacent lots if:

A. the owners of all those lots join in the application for amending the subdivision plat;

B. the amendment does not attempt to remove recorded covenants or restrictions; and

C. the amendment does not increase the number of lots; or

10. To make necessary changes to the preceding subdivision plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding subdivision plat if:

A. the changes do not affect applicable zoning and other regulations of the municipality;

B. the changes do not attempt to amend or remove any covenants or restrictions; and

C. the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has zoned for residential use.

11. To replat one or more lots fronting on an existing street if:

A. the owners of all those lots join in the application for amending the plat;

B. the amendment does not attempt to remove recorded covenants or restrictions;

C. the amendment does not increase the number of lots; and

D. the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

b. Public notice, public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending subdivision plat.

c. A subdivider wishing to amend an approved subdivision plat shall file with the City the amending subdivision plat, together with a copy of the subdivision plat being amended and a statement detailing the amendments being proposed. City staff will determine the extent to which the amending subdivision plat will require review by the various City departments and/or agencies. Following such review as is necessary, the subdivision plat will be considered for approval by the Council.

d. All fees required by ordinance, to include filing fee, shall be paid to the City at time amending subdivision plat is filed with Council.

e. The amending subdivision plat will be clearly marked: "Amending Subdivision Plat of \_\_\_\_\_ Subdivision. This subdivision plat amends the subdivision plat previously recorded in the Plat and Deed Records of Bexar County, Volume \_\_\_\_\_, Page \_\_\_\_."

f. The amending subdivision plat shall then be recorded, if approved.

## § 24.600 SUBDIVISION STANDARDS

### 24.601 APPLICABLE STANDARDS AND SPECIFICATIONS

No preliminary or final subdivision plat shall be approved by the Council and no completed improvements shall be accepted by the City unless and until the following standards and specifications have been met:

#### a. GENERAL.

1. The Master Plan shall be considered by the subdivider and City Council for subdivision conformity.

2. Provision for future subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

3. Reserve strips are prohibited and will not be used for controlling access to land dedicated or intended to be dedicated to public use.

access to collector or larger streets.

4. Residential R-1, R-2 and R-6 lots shall not have driveway

5. Buildings shall not be constructed across lot lines.

6. As applicable, the subdivider shall be fully responsible for compliance with all City, State and Federal regulations and shall bear all costs thereof expended toward the development, including the cost of any City professional staff efforts and approvals as needed from all other regulatory agencies.

b. **STREETS.**

1. Street Layout (also see Exhibits “s” and “dd”).

A. Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall be considered in their relation to existing and planned streets, topographical conditions, public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets and to the City Master Plan.

B. The street layout shall be devised for the most advantageous development of the entire neighborhood.

2. Relation to Adjoining Street System

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.

3. Projection of Streets.

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

4. Street Jogs.

Whenever possible, streets with centerline offsets of less than 150 feet will be avoided.

5. Half- or Adjacent Streets.

In the case of collector, minor, or marginal access streets, no

new half-streets shall be platted unless approved by City.

6. Street Intersections.

Intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

7. Dead-end Streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion.

8. Cul-de-sacs.

A. Except with the prior written approval of the City Engineer, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial areas.

B. Where cul-de-sac ended streets are proposed which are longer than 500 feet in length in residential areas, the cul-de-sac shall have a property line diameter of at least 140 feet and a pavement diameter of 120 feet.

9. Marginal Access Streets.

A. The creation of marginal access streets is prohibited except where allowed by the City Engineer after review of the access and intersection control measures being proposed and of the general traffic safety and circulation plan for the area.

B. Council may determine that such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.

10. Streets on Master Plan.

Where a subdivision embraces a street as shown on the Master Plan of the City, the location and width as indicated by the Master Plan, shall be considered in the planning of such subdivision.

11. Minor Streets.

Minor streets shall be laid out so as to discourage their use by through traffic.

12. Pavement Widths and Rights-of-way.

Pavement widths and rights-of-way shall be as follows:

- A. Primary streets shall have a right-of-way of at least 110 feet, pavement width of at least seventy-two (72) feet, and a fourteen-foot curbed divider in the center.
- B. Secondary streets shall have a right-of-way of at least eighty-six (86) feet and a pavement width of at least sixty (60) feet.
- C. Collector streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least forty-four (44) feet.
- D. Minor streets shall have a right-of-way of at least fifty (50) feet and a pavement width of at least thirty (30) feet.

13. Pavement width and rights-of-way of streets forming part of the boundary of the subdivision (adjacent) shall be as follows:

- A. The subdivider shall dedicate a right-of-way of forty-three (43) feet in width for new adjacent secondary streets, and twenty-two (22) feet of such right-of-way shall be paved and curbed.
- B. New adjacent collector, minor or marginal access streets shall conform to paragraph (b)(12) of this section.
- C. Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraph (b)(12) of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraph, and there shall be paved and curbed so much of such right-of-way as to make the full pavement width comply with such paragraph. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub base and pavement joint.

14. Medians.

- A. Center Island Median. Streets which have center island medians shall be curbed and provide for a minimum lane width adjacent to the median of twenty (20) feet on each side.
- B. Openings. Medians shall be continuous. Openings in the median may be provided at all public streets if the centerline spacing of said public street is at least 400 feet. If said spacing is less than 400 feet, the median shall be open for the street with the higher functional classification. All other openings shall be made in accordance with current standards set by the City Engineer. When medians are open, safety bays and median radii shall be provided and curbed unless approved otherwise by the City Engineer.

- C. Special Purpose Medians. Dividers constructed for
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aesthetic purposes (i.e. entrances for subdivisions) shall be permitted and such dividers shall normally be fourteen (14) feet in width. The divider shall maintain the full width for a minimum of twenty-five (25) feet after which an appropriate transition shall be provided. The nose or rounded portion of the divider shall be placed at least fifteen (15) feet off the edge of the traveled roadway of the intersecting street and the turning radius of vehicular traffic shall be at least thirty-five (35) feet.

D. Landscaping and Signing. No signs, walls, or fences shall be placed in the median area other than approved traffic control devices unless approved by City staff. No trees, shrubs or other ground cover shall be placed in the median which will obstruct the driver's sight distance. With the approval of the City, trees, shrubs, and ground cover may be placed in the median and divider area provided the full grown tree or shrub trunk diameter does not exceed four (4) inches in diameter. In addition, appropriate maintenance agreements shall be made with the City.

E. Crosswalk Area. Where a median or traffic divider projects across a crosswalk, the median shall be opened for six (6) feet at the projection of the crosswalk. This six-foot opening shall be paved to the grade of the existing surface to permit wheelchair and mobility impaired persons utilization of the crosswalk.

#### 15. Curbs and Sidewalks (see Exhibits "t" and "u").

Curbs and sidewalks shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision. The street frontage on all sides of all lots must be provided with concrete sidewalks of at least four (4) feet in width and four (4) inches in thickness. All sidewalks and driveways shall be designed and constructed in accordance with the requirements of the City and the Americans with Disabilities Act. Utility meter boxes or fire hydrants shall not be incorporated into the sidewalk area.

A. Sidewalk Deferred Construction. A developer may petition the City to defer construction of sidewalk along the frontage of lots in residential developments and if approved, sidewalks would be constructed as a building permit requirement (developer remains responsible for construction of the rear sidewalks on lots having double street frontage and over drainage ways).

B. Sidewalks shall, in general, be placed near the property line. Where the City permits the sidewalk to abut the curb on collector streets, the sidewalk width will be six (6) feet.

#### 16. Fire Lanes.

Fire lanes shall be installed where required by City and shall thereafter be maintained by the property owner.

#### 17. Ramps.

Where the development abuts existing curbed streets, with or without sidewalks, the developer shall install ramps as required to conform with the Americans with Disabilities Act and/or as directed by the City.

18. Street Names.

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are continuation of or in alignment with existing streets; in which case names of existing streets shall be used.

19. Street Signs.

Reflective street name signs shall be installed by the subdivider in a uniform manner throughout the subdivision at all intersections within or abutting the subdivision and will be of the size and type specified by the City. (Subdivider shall consult with a designated City official as to the plan of placement thereof prior to the installation of such street signs and all street signage will conform to the size and type specified by the City.) Stop signs and other traffic control signs will be furnished and installed by the City.

20. Electronic Signalization.

If the City determines the traffic volume generated by the proposed subdivision will create safety problems or hazardous driving conditions, the developer may be required to install or modify existing appropriate electronic signalization devices in the locations specified.

21. Traffic Impact Analysis.

As the City determines appropriate, developer shall provide a traffic study prepared by a qualified Traffic Engineer which addresses specific traffic impacts caused by the development.

22. Specifications.

The City of San Antonio Standard Specifications for Public Works Construction are adopted for reference, except as modified by the City Engineer.

c. ALLEYS.

Alleys will not be allowed in the City except under special circumstances. When permitted, alleys shall have a minimum right-of-way width of sixteen (16) feet with ten (10) feet of concrete pavement in residential areas and eighteen (18) feet of right-of-way and pavement in commercial areas, as shown in Exhibit "C", attached hereto.

1. Intersecting Alleys. Where two (2) alleys intersect

or turn at right angles, a cutoff of not less than fifteen (15) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

2. Dead-end Alleys. Dead-end alleys shall not be permitted.

3. Overhang Easements Along Alleys. Along all alleys and where otherwise requested by the City, overhang easements allowing for aerial encroachments, as required by any public or private utility, shall be provided.

4. Alleys Which Do Not Connect on a Straight Course. An easement shall be provided for alleys which do not connect on a straight course for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys (i.e. alleys are not straight within each block or the same do not connect a straight course with the alleys of adjoining blocks).

5. Cutbacks. Where alleys intersect a street right-of-way, a fifteen (15) foot right-of-way cut off shall be provided.

d. EASEMENTS.

When required, drainage easements will be allowed for proper drainage or topographic requirements. Gas, electric and telephone easements may be provided within each lot with no increase in the standard lot size unless deemed necessary by the City. Water and sanitary sewer easements will not be located at the rear of lots except with prior City approval. All easements for City use will have a minimum width of ten (10) feet, except sanitary sewer easements which shall be a minimum of sixteen (16) feet in width.

e. WATER INSTALLATION.

1. Water Supply and Distribution (see Exhibit "bb").

A. All subdivisions shall be provided with water supply, water distribution, and fire protection systems as approved by the City Engineer and in compliance with other parts of this Code and the Building Code (see Chapter 6, Buildings and Building Code, of this Code).

B. Minimum construction and design standards of the San Antonio Water System shall be used except as modified by the City, to include:

(1). Valves shall open left;

(2). C-900 Class 150/200 PVC pipe may be used in lieu of ductile iron;

(3). Use of Asbestos Cement pipe is prohibited; and

(4). In all construction plans, the developer will incorporate City provided special conditions in the form of general notes set out in Exhibits attached hereto.

C. All subdivisions containing more than sixteen (16) lots or housing units and as otherwise required by the City shall be provided with looped water mains. The loop shall be sufficient to create fire flows required by the Fire Marshall.

D. Apartment (Multiple-Family) or commercial areas will be metered in accordance with City requirements and dual or sub-metering (internal City meters beyond the City's master meter) will not be allowed.

2. Backflow Protection.

Metering will include back-flow prevention devices in accordance with City Code requirements.

3. Fire Hydrants.

Fire hydrants shall be of the Mueller Improved-type or approved equal compatible with the City's fire fighting equipment and installed with a separate gate valve as follows:

(1). Single-Family, Two-Family, and  
Townhouse Dwelling Areas.

(a). Fire hydrants in a single- or two-family dwelling area shall be located throughout the distribution system so that every building site is within 500 feet of a fire hydrant; except in the Townhouse areas, which shall be within 400 feet.

(b). Sufficient fire hydrants shall be provided so that not more than 550 feet of hose laid along public rights-of-way will be required to reach from a fire hydrant to any building site within the area served.

(2). All Other Land Use Areas.

(a). Fire hydrants in all areas other than single-family, two-family or townhouse dwelling areas shall have a maximum spacing of 300 feet.

(b). Sufficient fire hydrants shall be provided so that not more than 500 feet of hose will be required to reach from a fire hydrant to cover all portions of the first floor of all structures.

(c). Hose lay is measured along public streets, fire lanes, and access roadways for Fire Department vehicles; plus not over 150 feet of pulling hose by hand shall be required.

B. No fire flow credit is allowed for hydrants which are obstructed as to make their use impractical (i.e., including but not limited to hydrants across limited access

highway, expressways, primary thoroughfares, or hydrants blocked by walls/buildings).

C. Fire hydrants shall be located along the public right-of-way or along fire access roadways; preferably at intersections or on islands separating parking areas which cannot be obstructed by parked vehicles.

D. Fire hydrants shall be located as directed by the City Engineer and the City Fire Marshall. In general, hydrants shall be located a minimum of eight (8) inches and a maximum of seven (7) feet from the back of the curb. The steamer connection shall be a minimum of 1-1/2 feet and a maximum of two (2) feet above grade.

E. The area around fire hydrants shall be kept unobstructed for a distance of two (2) feet and six (6) inch steel guard posts shall be provided around the hydrant where curbs are not provided and where otherwise required by the City Engineer.

F. Fire hydrants shall face the curb except as otherwise directed by the City.

f. SEWERS (see Exhibit "cc").

1. All subdivision lots will be provided with connections to the City's organized sanitary sewage disposal system. Where necessary, the developer will extend the City's collection system mains to the subdivision at his cost. Where existing on-site sewage disposal systems are in place, these will be closed down in accordance with procedures prescribed by regulatory authorities. New on-site sewage disposal facilities will not be permitted (see Chapter 21, Sewer Service, of this Code). Where the sewer main will serve other properties beyond the proposed plat, the sewer will be extended across the developers property at his cost.

2. The design and construction of sewage collection systems will be in accordance with the City's regulations. The San Antonio Water System standards for design and construction are adopted for reference except as modified by the City Engineer. The subdivider will incorporate the City's special conditions in the design in the form of general notes set out in Exhibits attached hereto and the requirements of the State's regulatory agencies will also be adhered to.

3. Television Videotape. In addition to other prescribed tests, the subdivider will videotape sewage collection mains after the facilities have been installed

for thirty (30) days and before preliminary acceptance by the City.

4. Sewage Lift Station. Lift stations are prohibited. All developments will provide gravity service sewage systems.

g. UTILITY LINES.

1. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point of at least four (4) feet beyond

the edge of the pavement and all telephone, cable, or underground electric lines under paved streets or alleys shall be installed in conduit. Sanitary sewer services shall extend to the property line.

2. All utilities installed within the street right-of-way shall be properly backfilled with trench compaction approved by the City. Utility construction permits must be obtained for this work.

h. DRAINAGE.

1. Drainage Easement/Right-of-Way. Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided an easement or drainage right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future needs and maintenance.

2. Drainage facilities. Drainage facilities shall be provided and constructed by the developer in accordance with approved plans as submitted under Section 24.503. The subdivider will design and construct improvements in these drainage ways which facilitate maintenance, prevent flooding and eliminate nuisance. All such designs and improvements will conform to the City's regulations and Federal and State requirements. The City of San Antonio regulations regarding design and construction are adopted for reference, except as modified by the City Engineer, depending upon particular circumstances regarding the proposed development.

i. REQUIREMENTS FOR PARK LAND DEDICATION OR  
PAYMENT OF FEES IN LIEU THEREOF.

1. PURPOSE

A. The Council has determined that recreational areas in the form of neighborhood parks are necessary and in the public's welfare, and that the only adequate

procedure to provide for the same is by integrating such a requirement into the procedure for planning and developing properties and subdivisions in the City when such development consists of unplatted residential property.

B. It is also declared that Section 24.501 of this Chapter be administered in conjunction with the Leon Valley Parks and Recreation Plan. The Park Zones established by the Leon Valley Parks and Recreation Plan shall be prima facie proof that any park located therein is within a convenient distance from any residence located therein and the following subsection, "General Requirements", are adopted to effect the purposes stated:

## 2. GENERAL REQUIREMENTS

A. Where a final subdivision plat is submitted for approval of any residential subdivision, such subdivision plat shall contain a clear, fee simple dedication of an area to the City for park purposes.

(1). The area to be dedicated shall be one (1) acre of park land for each 133 allowed dwelling units. The number of allowed dwelling units shall be determined according to minimum lot size and maximum density standards set forth in Chapter 30, Zoning, of this Code, except that, in those cases where the Zoning Code restricts the number of dwelling units allowed per lot, the actual number of lots can be used to determine the number of allowed dwelling units. Where phased development occurs; the first unit shall include the full park dedication required of the entire development and/or all of the developer's land.

(a). At the discretion of the Council, after receiving recommendations from the City Manager, the required park land dedication can be reduced when the subdivider demonstrates that the actual density of the proposed subdivision will be significantly less than the allowed density in the respective zoning district.

(b). In cases where a subdivision plat contains land in more than one (1) zoning district, park land dedication shall be determined according to the acreage in each zoning district wholly or partially contained within the subdivision.

(2). The required dedication of this subsection may be satisfied by a payment of money in lieu of land, when permitted or required by other provisions of this section.

B. All subdivisions of land which create dwelling units shall provide for park land improvements. Where existing subdivisions are being replatted or vacated and are recreated as residential units which increase the potential number of dwelling units, then the provisions of this Section shall apply. Where land is being developed in the R-5 (Manufactured Homes) and R-3A (Multiple Family Retirement Community) areas, the ratio of one acre for each 133 allowed dwelling units shall be applied to the cottage or manufactured homes anticipated.

C. Where the completed development or subdivision has less than 133 allowed dwelling units the developer will at the discretion of the City, either:

(1). Dedicate not less than one-half acre of park land (with the smallest dimension being 140-feet) or;

(2). Pay the City the amount required as per Ordinance, as amended, for each dwelling unit being created.

D. Where the dwelling units being created are R-3 (Multiple-Family Dwelling), R-5 (Manufactured Home) and R-3A (Multiple-Family Retirement Community) development areas, the developer may elect to satisfy the park land dedication by providing a

one-acre reserved area within his development at a location approved by the City. otherwise provided. Such areas shall be owned and maintained by the owner of the development. Developers not making this election must otherwise satisfy the parkland dedication requirements. Such reserve area will be annotated on the subdivision plat "Area reserved for park purposes." These areas will be in addition to the required landscaping, green spaces, pool and recreation building area otherwise provided. Such areas shall be owned and maintained by the owner of the development. Developers not making this election must otherwise satisfy the parkland dedication requirements.

E. Park land dedication requirements shall be based on the contiguous acreage of land owned by the developer. All park area dedications shall be completed in conjunction with or prior to final subdivision plat approval of the first unit of development. Parkland dedications shall at distance and location specified and approved by the City Engineer.

F. In instances where an area of less than five (5) acres is required to be dedicated, the City shall have the right to accept the dedication for approval on the final subdivision plat, or to refuse the same, and to require payment of cash in lieu of land in the amount provided by Section 24.601.i.2.

(1). The refusal by the City of a dedication of one (1) acre or more, but less than five (5) acres, shall be based on one (1) or more of the following factors:

(a). City determines that sufficient park area is already in the public domain in the area of the proposed subdivision;

(b). City determines the recreational potential for a particular park zone would be better served by expanding or improving existing parks;

(c). City determines that a combination of factors, related to the status and condition of the overall City park system, make a payment in lieu of park land dedication more desirable for the overall park needs of the citizens of the City;

(d). The land proposed for dedication is undesirable for use as a public park; and/or

(e). The proposed dedication is not in conformance with the City Parks and Recreation Plan.

G. The dedication required by this section shall be made by submitting a final subdivision plat for Council approval, and subsequent recordation with the Bexar County Clerk, unless additional dedication is required subsequent to the filing of the final subdivision plat.

H. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, additional dedication shall be made by payment of the cash in lieu of land amount provided in Section 24.601.i.2., or by the conveyance of an



entire numbered lot to the City in conformance with the standards set forth herein.

### 3. MONEY IN LIEU OF LAND

A. Subject to veto of the Council, a land owner responsible for dedication under this section may elect to meet the requirements of Section 24.601.b. in whole or in part by a cash payment in lieu of land, in the amount set forth herein. Such payment in lieu of land shall be made at or prior to the time of final subdivision plat approval of the first unit of development.

B. The City may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a particular Park Zone, subsequent park land dedications for that zone could be required in cash only.

### 4. DEDICATED FUNDS; TRANSFER OF FUNDS; RIGHT OF REFUND

A. There are four (4) Neighborhood Park Zones and one (1) Community Park Zone established in the Parks and Recreation Plan for the City.

B. When a fee in lieu of park land dedication is collected by the City, relative to the filing of a subdivision plat, said monies shall be placed in a dedicated fund to be used to acquire park land and provide for adjacent streets, utilities and improvements for a neighborhood park to serve the Park Zone(s) in which the subdivision is located.

C. If the City is not able to purchase suitable land or otherwise spend the collected monies in a manner it deems appropriate to provide park services for the respective Park Zone(s), then the monies may be transferred by the Council from the dedicated Neighborhood Park Zone Fund to a dedicated Community Park Zone Fund.

D. Transfer of funds from a dedicated Neighborhood Park Zone Fund to the dedicated Community Park Zone Fund must not occur before the expiration of a period of two (2) years from the date of receipt of fees in lieu of park land dedication, nor after the expiration of three (3) years.

E. Likewise, the funds deposited from a dedicated Neighborhood Park Zone Fund into the dedicated Community Park Zone Fund must be expended in the fiscal year in which the monies are transferred, or the fiscal year, which immediately follows the fiscal year in which monies are transferred.

F. The City shall account for all sums paid in lieu of park land dedication under this section with reference to the individual subdivision plats involved. Such funds shall be considered to be spent on a first in, first out accounting basis.

G. If the funds are not transferred and/or spent as

detailed above, the owners of the property on the last day of such period shall be entitled to a prorated refund of such sum, computed on a square foot basis. The owners of such property must request such a refund within one (1) year of entitlement, in writing, or such right shall be barred.

H. The Community Park Zone Funds are to be used for improvements to the City's Community Park; acquisition of park land adjacent to the City's Community Park for park expansion; or to improve access to the Community Park by construction of pedestrian access improvements such as sidewalks, pedestrian bridges, crosswalk ways and crosswalk traffic control.

## 5. ADDITIONAL REQUIREMENTS

A. Any land dedicated to the City under this section must be suitable for park and recreational uses. The City alone shall make this determination of suitability using the following and other guides as may be needed:

(1). Any area primarily located in the 100-year flood plain, as shown on FEMA maps or other generally accepted flood area maps will generally not be suitable. In some cases, the City may accept an area located in the 100-year flood plain for park land dedication if said land was dedicated at a ratio of two (2) acres of flood-prone park land dedication to each one (1) acre of park land dedication as required by this section; or

(2). Any areas of unusual topography or slope which renders land unusable for organized recreational activities may be excluded from consideration.

B. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City engineering standards, and if a significant area (ten percent or more of the park) is not cut off from access by such channel and if the park user is not thereby exposed to dangerous conditions.

C. Each park must have frontage on a public street and be properly shown as a lot on a subdivision plat with the appropriate plat certificate designating the dedication. All such property shall conform to the City Subdivision regulations.

### j. BLOCKS.

Block lengths shall not exceed 1,800 feet, nor be less than 220 feet.

### k. CROSSWALK WAYS.

Crosswalk ways six (6) to ten (10) feet in width, as determined by the City, shall be dedicated where deemed necessary by the City to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities, or to provide pedestrian circulation.

1. FIRE LANES.

Fire lanes shall be required as deemed necessary by the City and shall be at least twenty (20) feet in width with the road edge closest to the structure at least ten (10) feet from the structure, being designed and constructed to accommodate the City's fire fighting equipment. Fire lanes connecting to public streets, roadways, or private streets shall be provided with curb cuts extending at least two (2) feet beyond each edge of the fire lane and fire lane area is to remain free and unobstructed of parked vehicles or other obstacles at all times.

m. LOTS.

1. Corner Lots. Corner lots shall be at least seventy (70) feet wide and when said lot(s) abut on crosswalk ways, shall be treated as corner lots.

2. Frontage. Each lot shall front upon a public street. Lots of irregular shape shall not be allowed unless a street curb frontage of at least forty (40) feet is provided.

3. Front and Side Setbacks. The front and side setbacks required by Chapter 30, Zoning, of this Code, shall be shown on the subdivision plat. Where garages are installed on the side or rear of lots, the garage shall be setback a minimum of twenty (20) feet (but not less than the required setback) from the access street property line.

4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

5. Extra depth and width in certain cases. Where a lot in a residential area backs up to a railroad right-of-way, high-pressure gasoline, oil or gas line, arterial street,

industrial area, or other land use which has a depreciating effect on the residential use of property, and where no marginal access street or other street is provided at the rear of such lot, additional depth shall be required by the City. In no case shall a depth in excess of 150 feet be required. Where a lot sides to any of the above, additional width shall be required, but in no event shall a width in excess of 100 feet be required.

6. Flag Lots. Flag lots will not be allowed, except where in the opinion of the City, this is the only possible layout. Normal City services, including fire and police protection and garbage collection, must be facilitated. Flag lots must have a minimum street frontage of forty (40) feet.

## 24.602 INSPECTIONS AND CHARGES

a. REVIEW.

The City Engineer, or his authorized representative, shall review all subdivision plats and designs for public improvements and inspect all subdivision site work for

conformance to City regulations. The subdivider shall be fully responsible for compliance with all City, State and Federal regulations and shall bear all costs thereof, including the cost of any City professional staff efforts expended toward the development.

b. SERVICES PROVIDED.

The City Engineer and the consulting engineer, his deputies and substitutes, shall carefully keep itemized and separate records of all charges and expenses for services they provide which are to be reimbursed by the developer.

1. No final approval or acceptance of such subdivision, or the streets thereof, or any site work therein, or any part thereof, shall ever be made until the subdivider has reimbursed the City in full for all costs and fees incurred by the City toward the development. Neither the Mayor nor any City official, elected, appointed, employed or retained, shall have any authority to waive such requirement, in whole or in part, in any case whatsoever. Such waiver can only be made by the Council at a regular meeting by written ordinance or resolution wherein the reasons for such waiver shall be fully set out in writing.

c. LABORATORY TESTING.

Testing will be performed by an approved, independent testing laboratory. Cost of all testing is the responsibility of the developer and copies of test results will be furnished to the City Engineer before final approval of the subdivision is given. The following test schedule will be adhered to:

1. Streets.

A. Sub-grade moisture, density test: One (1) per each block (not to exceed 500-foot spacing).

B. Flexible Base: Plasticity Index, Liquid Limit and gradation of material used; moisture, density test on same spacing as subgrade.

C. Asphalt Density: In place density test to ensure that a density of between 95 percent to 100 percent of the laboratory method (THD Test Method Type 206-5) is achieved. One (1) test per 1,000 square yards and repeat of failures; report on thickness is required.

D. Concrete Structures: Concrete cylinder test sets shall be taken for curbs, drainage structures and sidewalks, and other concrete structures, at a frequency acceptable to the City.

E. Proof Rolling: All sub base and each

lift of base material shall be proof rolled to the satisfaction of the City Engineer. The developer's contractor shall assist in this inspection by furnishing the necessary equipment and operators and soft and yielding areas discovered will be corrected by the developer.

d. PRE-CONSTRUCTION CONFERENCE AND NOTICE TO PROCEED.

Prior to beginning work at any subdivision site, the contractor and City staff shall have a pre-construction conference. The contractor shall arrange with staff for such conference at least twenty-four (24) hours in advance of requested meeting time.

e. PRELIMINARY ACCEPTANCE.

1. Upon completion of the work, the contractor will arrange for a preliminary acceptance inspection by the City by coordinating with City staff at least seven (7) days in advance of the inspection.

2. Developer will furnish all equipment and manpower to facilitate preliminary acceptance inspection which consists of the following:

- A. visual inspection of all sewers (including manholes and inlets);
- B. flow test of all fire hydrants and water meter services;
- C. flow test of sanitary sewer mains;
- D. television video of sewer mains (furnish tape copy);
- E. vacuum or hydraulic test of sewer manholes.

3. Upon satisfactory completion of the improvements as determined by the City, the developer shall petition the City for preliminary acceptance of public improvement(s) using the petition form specified herein, no less than ten (10) working days prior to the Council meeting date on which preliminary acceptance is to be considered.

A. Developer shall furnish the City with the required accompanying data as listed in the Petition for Preliminary Acceptance of Public Improvements herein.

f. WARRANTY.

The developer shall cause the public improvement(s) within the development to be maintained in good condition for a period of twelve (12) months from the date of preliminary acceptance by the City. This warranty shall include defects in materials and workmanship, soil shifting and springs.

g. FINAL ACCEPTANCE.

1. After the improvements have been maintained by the developer in good condition for the required 12-month period, the developer, using the above described procedure, shall again cause the improvements to be inspected by the City.

2. After making final repairs, developer shall petition the City for final acceptance using the petition form attached herein no less than ten (10) working days prior to the Council meeting date on which final acceptance is to be considered. Developer shall pay all City costs incurred in this effort.

3. After satisfactory completion, the City shall consider the Petition for Final Acceptance of Public Improvement(s) and thereafter be responsible for future maintenance if accepted.

24.603 WHERE SUBDIVISION PART OF LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final subdivision plats shall be accompanied by a layout of the entire area at a scale of not more than 400 feet to one (1) inch, showing the tentative proposed layout of streets, blocks, lots, drainage, and other improvements for such areas. The overall layout, if approved by the City Engineer, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files

of the City. Thereafter, subdivision plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the City Engineer. The Council may change such approved overall layout only when the Council finds:

a. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with provisions of this Chapter; or

b. That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in area.

24.604 FLOOD HAZARD REQUIREMENTS

The subdivision shall comply fully with requirements of FEMA (see Chapter 31, Flood plain Management Regulations, of this Code).

§ 24.700 DESIGN CRITERIA

24.701 STREET, ALLEY, AND CROSSWALK WAY  
IMPROVEMENT PLANS

Submitted plans and profiles for street, alley, crosswalk way and drainage easement improvements shall include the following information:

a. Typical sections showing the proposed pavement width, type, thickness, and crown; the proposed curb or curb and gutter type; location in relation to centerline and exposure; the proposed sidewalk dimensions and location in relation to curbs and property lines and the proposed parkway grading slopes. (This information shall be given for each different type of street and alley in the subdivision and construction details of all drainage structures, to include dimensions, reinforcing and components such as grates and manhole covers shall also be provided.)

b. Alignment of each street, alley, crosswalk way and drainage easement showing the beginning and ending station; each deflection angle of the centerline and the station of the point of intersection; the station of the point of curvature and the point of tangency of each curve; the station and angle of intersection of each intersection with another street, alley or drainage easement; the station and radius of each curb return; the location of adjacent right-of-way lines; the location and limits of sidewalks and curbs of each street; the location of each drainage structure; the location and size of all storm sewers; and the location of monuments.

c. Location, description, and elevation of bench marks; the top of curb grade at each curb return; the centerline grade at each end and at each fifty (50) foot station of alleys and drainage ditches; the gradient of each tangent grade and the location and length of each vertical curve; the direction of storm drainage flow at each intersection; and the flow line elevation of each storm sewer at each point of change of grade and each end and the intervening gradients. (The profiles of streets, alleys, and drainage ditches shall show the natural ground at adjacent property lines and the proposed centerline.)

d. Scale, north arrow and date. Plan and profile shall be drawn to scale of not smaller than one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically on sheets twenty-four (24) inches by thirty-six (36) inches in dimension.

e. The seal of a Registered Professional Engineer shall be provided on all profiles and street and alley plans.

24.702 DESIGN AND CONSTRUCTION STANDARDS

The design and construction standards for street, alley, and crosswalk

way improvements shall conform to current City of San Antonio Design Standards with the following exceptions:

- a. Residential alleys shall be constructed of reinforced concrete as shown in Exhibit "C", attached hereto;
- b. Only bar steel or flat plate steel reinforcement shall be used in concrete structure;
- c. Street widths shall conform to Section 24.701.b.;
- d. Pavement for each street or alley shall be designed and constructed in accordance with an engineered design section based on representative geotechnical information taken from the proposed subdivision (the minimum acceptable design section is as shown herein and properly designed reinforced concrete pavements are acceptable);
- e. Privately maintained streets within Manufactured Home Park subdivisions shall conform to these specifications for design and construction.
  - 1. The project engineer shall submit pavement designs based on the American Association of State Highway Officials minimum design methods for H-20 loading and not less than designs to support the City's fire fighting apparatus (concrete pavements shall be accompanied by proper joint layouts and details);
- f. Other changes as directed by the City Engineer and as set out in Exhibits attached hereto; and/or
- g. At each intersection, the curb and the property line at each block corner shall be rounded with a radius "R", varying with the interior angle as specified in the Table of Intersection Returns attached in Exhibits herein.

24.703      SANITARY SEWERS

- a. Design Criteria
  - 1. Gravity sewers shall be constructed of SDR 26 plastic pipe.
  - 2. Design and materials used must comply with the City of San Antonio criteria for public works construction except as modified by the City Engineer.
  - 3. Size of sewer main shall be a minimum of eight (8)



inches in diameter. Service connections shall be six (6) inches in diameter.

4. The following criteria shall be used in formulas for design of sanitary sewer systems:

A.

| FLOW FROM CONTRIBUTING POPULATION |  |   |
|-----------------------------------|--|---|
| TYPE OF RESIDENTIAL AREA          | PEAK CONTRIBUTION PER PERSON IN GALLONS, PER DAY | AVERAGE DAILY FLOW GALLONS PER PERSON PER DAY |
| Residential                       | 240  | 156   |
| Multiple-Family                   | 180  | 117   |

B.

| INFILTRATION                             |  |
|--|--|
| SOURCE OF INFILTRATION                   | AMOUNT OF INFILTRATION GALLONS PER DAY, PER ACRE |
| Residential Area, Level to 7% Land Slope | 700  |
| Residential Area, 7% to 15% Land Slope   | 500  |
| Totally Undeveloped Areas                | 360  |
| High Water Table, Creek Beds, Lake Areas | 1,450  |
| Business and Industrial Areas            | 1,000  |

5. All plans and specifications for all sewage collection systems must be submitted to the Texas Natural Resource Conservation Commission "TNRCC" for review and approval prior to construction.

6. During the construction and testing phase of the sewage collection system, full-time inspection under the direction of design engineer is required by TCEQ.

7. All notices, reports, certifications required for the project by the TCEQ shall be provided by the design engineer. Copies of all test results shall be submitted to the City and to the TCEQ. Upon completion of construction, the design engineer or other Texas Registered Professional Engineer appointed by the developer shall certify, to the TCEQ, that the entire installation has passed the deflection test. This certification may be made in conjunction with the notice of completion required in §317.19(e)(1) of the TCEQ Regulations. This certification shall be provided for TCEQ to consider the requirements of the approval to have been met.

b. Testing

All testing required by the TCEQ and other regulatory agencies shall be complied with to include the following:

1. Low pressure air test of mains and services;
2. Deflection testing (Mandrel); and
3. Manhole test.
4. Televised video.

c. Erosion Control

Erosion or sedimentation control that minimizes the effects of runoff shall be provided during the construction phase of a project. This requirement will be reviewed by the TNRCC on a case-by-case basis.

d. Alignment

Sewers shall be laid in straight alignment with uniform grade between manholes. Upon completion the contractor shall provide the city with a video tape recording, which shows the line to be in good condition and without sags.

e. Construction Methods

1. The Director of Public Works shall be advised before any construction is begun in order to arrange for adequate City inspection to be provided;
2. Sewers shall be located in the center line of streets and four (4) feet from the north or east lines where in alleys, or as otherwise approved by the City Engineer. Where directed by the City, the sewer main will extend across the frontage of the property being provided service.
3. All sewer lines shall be placed to line and grade as directed by the City Engineer and State regulations;

- property line;
- 400 feet apart;
- alleys where there is a possibility of future extensions and where required by the City;
- hereto shall be adhered to;
- produce a velocity of two (2) feet per second;
- maximum anticipated flow from all areas tributary to this line and must conform with the sanitary sewer plan recommendations of the City Engineer; and
- conform to the requirements of the TCEQ.
4. All sanitary sewer services shall extend through to the
  5. All joints shall be compression type joints;
  6. Manholes shall be spaced not more than
  7. Manholes shall be provided at intersecting streets or
  8. Construction requirements set out in Exhibits attached
  9. Minimum grades permitted shall be sufficient to
  10. Outfall mains shall be of sufficient size to service the
  11. Plans for construction of sanitary sewer mains must

24.704            STORM DRAINAGE

a.            Design Criteria

1.            Runoff Calculations.

Runoff rates shall be computed as not less than the following:  
Percent Runoff Coefficient\*

| CHARACTER OF AREA                                       | UP TO 1% | UP TO 3% | UP TO 5% | OVER 5% |
|---|----------|----------|----------|---------|
| Business or Commercial Area<br>(90% or more impervious) | 95       | 96       | 97       | 97      |
| Densely Developed Area<br>(80% to 90% impervious)       | 85       | 88       | 91       | 95      |
| Closely-Built Residential Area                          | 75       | 77       | 80       | 84      |
| Undeveloped Area  | 68       | 70       | 72       | 75      |
| Average Residential Area                                | 65       | 67       | 69       | 72      |

\* In all cases, wet antecedent conditions shall be assumed. Runoff rates shall be computed on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision. For determination of time of concentration, velocities shall be assumed on the basis of concrete-lined channels and streets carrying storm waters in the contributing watershed area. Rainfall intensities shall be obtained from the rainfall intensity chart set out in Exhibits attached hereto. The actual time of concentration will be used to devalue the intensity, except that the minimum time will not be less than ten (10) minutes.

2.            Drainage Facilities.

A.    Streets. Streets may be used for storm water drainage only if the calculated storm water flow does not exceed the curb height of the street or the velocity does not extend ten (10) feet per frequency. Where streets are not capable of carrying storm waters as outlined above, drainage ditches or storm sewers shall be provided. Street width shall not be widened beyond width as determined by street classification.

B.    Concrete-lined Channels. The design of such channels shall be based on 100-year frequency and are subject to the approval of the City Engineer and shall comply with the following general requirements:

(1).    The concrete lining shall extend one (1) foot beyond the height of the design flow line of the channel. From the top of the concrete lining to the top of the ditch, a side slope not steeper than four (4) horizontal to one (1) vertical with mulch sodding, will be allowed;

(2).    Vertical concrete walls will be properly fenced or enclosed; and

(3). Easements for such channels shall extend a minimum of six (6) feet on both sides of the extreme limits of the concrete lining. In the alternative, the area between the fence and the top of the concrete lining shall be concrete and the space reduced to two (2) feet on each side (minimum easement width shall be ten (10) feet).

C. Earth Sodded Channels. The design of such channels shall be based on a 100-year frequency, subject to approval of the City Engineer, and shall comply with the following general specifications:

(1). The mulch sodding shall be placed over the entire surface area of the channel;

(2). The side slope shall not be steeper than four (4) horizontal to one (1) vertical;

(3). Easements for such channels shall extend a minimum of fifteen (15) feet on both sides of the extreme limits of the channel, when such channel does not abut an alley or roadway. When such channel abuts an alley or roadway, this area may be used as part of the easement; and

(4). The design velocity for earth channels shall not exceed six (6) feet per second. A reinforced concrete pilot channel at least five (5) feet wide shall be provided.

D. Storm Sewers. Storm sewers shall be designed on a 100-year frequency and shall be subject to approval of the City Engineer.

E. Drainage Retention Pond Requirements. Where the City Engineer determines that it is needed or where State drainage laws otherwise require, the developer will provide either downstream off-site drainage improvements or retention ponds to limit the amount of increased storm water runoff rates to pre-existing conditions.

F. Alleys. Alleys shall be designed to accommodate a five-year frequency rainfall run-off and shall be subject to approval of the City Engineer.

G. All-Weather Crossings. Such crossings at streets or private access driveways shall be designed on a 25-year frequency.

H. Spring Flow. The developer will put into place a system of French drains connecting the storm sewer where there is evidence of spring flows in the subdivision streets.

24.705            VARIANCES BY COUNCIL

a.            The Council may authorize a variance from these regulations when in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.

b.            The Council may consider the following guidelines in making their decision to authorize or not authorize a variance from these regulations:

1.            That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of reasonable use of this land;

2.            That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

3.            That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

4.            That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Chapter.

c.            Variances may be granted only when in harmony with the general purpose and intent of this Chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

d.            Persons requesting variances to these regulations shall do so using the City prescribed form set out in Exhibits attached hereto. Person shall provide information, to include the nature of the proposed use of the land involved; existing uses of land in the vicinity; number of persons who will reside or work in the proposed subdivision; and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

§ 24.800 GUARANTEE OF PERFORMANCE

24 .801 PERFORMANCE GUARANTEE SUBMISSION  
AND PUBLIC IMPROVEMENT ACCEPTANCE  
PROCEDURE

When public improvement(s) are required by the City, the following shall apply:

a. Prior to recording of the final subdivision plat, the subdivider will provide a financial guarantee acceptable to the City. The subdivision plat shall not be recorded unless the subdivider has filed with the City acceptable forms of performance guarantee to ensure completion of the public improvements.

1. The financial guarantee shall be in an amount equal to the cost of public improvement(s) as estimated by the subdivider and approved by the City Engineer, conditioned that the subdivider will complete such required improvement(s) within the time allowed by this Chapter. The guarantee shall include a 15% engineering and contingency value.

A. If public improvements are not satisfactorily completed, the funds deposited will be forfeited to the City who will proceed to construct the facilities to the extent possible with the available funds.

2. The financial guarantee is to be approved by the City Engineer. The subdivider shall remain obligated on said guarantee until the obligations of the bond have been met as determined by the City.

c. Additionally, prior to the recording of the final subdivision plat and with the Petition for Preliminary Acceptance of Public Improvement(s), the developer shall provide to the City a maintenance bond (an acceptable financial guarantee of the type approved for performance guarantee).

1. The amount of maintenance bond shall equal ten percent (10%) of the total cost of the alley(s), curb(s), drainage, sidewalk(s), street(s), water main(s) and sewer(s), traffic control signs/ signal, and similar infrastructure, required to be constructed in said subdivision, and approved by City Engineer.

2. Maintenance of public improvement(s) shall be at the developers expense, as evidenced by the Petition for Preliminary Acceptance, for a period of at least one (1) year after date of preliminary acceptance of improvement(s) by the Council of the completed construction and until final acceptance of public improvement(s) thereof by the City.

c. Council shall not accept such public improvement(s) on behalf of the City until developer has completed the Developer Petition for Preliminary Acceptance of Public Improvement(s) as certified by the City Engineer.

d. Building Permit(s) for residential housing, excluding multiple-family dwellings, will not be issued until all public infrastructure, excluding sidewalks, are in place. Building Permit(s) for up to three (3) model homes may be issued prior to preliminary acceptance, however no final building inspection may be performed without preliminary acceptance of the public improvement(s) and recordation of the subdivision plat.

1. In the event the City determines public improvement(s) are necessary for the use of the facility being constructed, the final building inspection for the structure will not be performed until the facilities are in place. If the City determines that fire protection or other safety aspects require the public improvement(s) to be in place, the Building Permit may be conditional on these facilities being constructed (see Preliminary and Final Acceptance).

e. Council shall not give final acceptance to such streets and utilities until developer has executed and submitted the Developer Petition for Final Acceptance of Public Improvement(s) and not then unless and until the City Engineer again certifies that improvements have been maintained in good condition for said period of one (1) year and are in good condition at such time.

1. The City shall accept such streets and utilities only by written ordinance or resolution duly passed at a regular or legally called special Council meeting, and the subdivider shall remain responsible for the maintenance of such improvement(s) until thus legally accepted by City. Maintenance of the streets is to include, but is not limited to, items such as damage by others; spilled concrete on streets; mud/debris on streets; unknown springs; and similar maintenance items.

f. Where good cause exists, Council may extend the period of time for completion for an additional period of time, not to exceed six (6) months, if the subdivider has not completed the required site improvement(s) or completed such improvement(s) in compliance with this Chapter. No such extension shall be granted unless additional security of the type provided in paragraph (a) is first provided by the subdivider to cover the extended period of time.

g. In lieu of posting the required performance guarantees the developer may proceed with development of the infrastructure. In that instance, the plat may not be recorded except upon satisfactory completion of the work and Preliminary Acceptance by the City.

## 24.802 PERFORMANCE GUARANTEES

a. Acceptable performance guarantees are as follows:

1. Performance Bond

A. A bond for performance, executed by a surety company licensed to do business in the State of Texas, in an amount equal to the cost estimate as approved



by the City of all improvement(s) required by this Chapter, with the condition that the subdivider shall complete such improvement(s) and have them accepted by the Council within twenty-four (24) months from the date of subdivision plat approval.

B. A Performance Bond shall be substantially in the same form as the bond instrument set out in Exhibits attached hereto and the City Manager is authorized to sign the bond instrument on behalf of the City.

2. Trust Agreement

A. The subdivider shall cause to be placed in a trust account on deposit in a bank or trust company or with a qualified escrow agent selected by the subdivider and approved by the City Manager, a sum of money equal to the cost estimate, as approved by the City, of all site improvement(s) required by this Chapter.

B. The Trust Agreement (account) shall be established by agreement which shall be substantially in the same form as the Trust Agreement set out in Exhibits attached hereto and the City Manager is authorized to sign the agreement on behalf of the City.

3. Irrevocable Letter of Credit.

A. The subdivider shall provide an Irrevocable Letter of Credit in an amount equal to the cost estimate, as approved by the City, of all site improvement(s) required by this Chapter.

B. The Irrevocable Letter of Credit, properly executed, shall be substantially in the same form as the Irrevocable Letter of Credit set out in Exhibits attached hereto and the City Manager is authorized to sign the agreement on behalf of the City.

4. Cash or Cashier's Check

A. The subdivider shall provide to the City cash or cashier's check in an amount equal to the cost estimate, as approved by the City, of all site improvement(s) required by this Chapter. These funds will be held by the City in a non-interest bearing account until the satisfactory completion and Preliminary Acceptance of Public Improvement(s) by the City, and then refunded to the developer. Partial payments will not be made out of these funds.

B. Should developer fail to construct the public improvements within the required time period, the City shall provide the developer written notice of this default and thereafter shall proceed to install the public facilities to the extent of the available funds.

Exhibit (a).      Owner's Acknowledgment is as follows:

"STATE OF TEXAS      X  
COUNTY OF BEXAR    X

The owner of the land shown on this subdivision plat, and whose name is subscribed hereto, and in person or through a duly authorized agent, dedicates to the City of Leon Valley, Texas, for the use of the public forever, all streets, alleys, parks, water courses, drains, easements, and the water and sewer lines in all of the aforesaid public places and all other public places thereon shown for the purpose and consideration therein expressed.

\_\_\_\_\_  
Property Owner/Agent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner/Agent

\_\_\_\_\_  
Address

STATE OF TEXAS      X  
COUNTY OF BEXAR    X

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal)

Notary Public in and for the State of Texas

My Commission expires: \_\_\_\_\_"

**EXHIBIT (a)**

Exhibit (b). Certification of the Surveyor (responsible for preparing the subdivision plat survey information attesting to its accuracy) is as follows:

"STATE OF TEXAS       X  
COUNTY OF BEXAR    X

I hereby certify that this subdivision plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Surveyor's Seal)

\_\_\_\_\_  
Registered Public Surveyor

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Bexar County, Texas"

Exhibit (c). Certificate by the Engineer (responsible for the preparation of the engineering and supporting data for the final subdivision plat attesting to its accuracy) is as follows:

"STATE OF TEXAS       X  
COUNTY OF BEXAR    X

I hereby certify that proper engineering consideration has been given to this subdivision plat to the matters of streets, lots, and drainage layout.

(Engineer's Seal)

\_\_\_\_\_  
Registered Professional Engineer

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Bexar County, Texas"

**EXHIBIT (c)**

Exhibit (d).      Certification by City Engineer is as follows:

"The City Engineer of the City of Leon Valley hereby certifies that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

\_\_\_\_\_  
City Engineer"

Exhibit (e).      Approval of the City Council of the City is as follows:

"This subdivision plat of \_\_\_\_\_ has been submitted to and considered by the City Council of the City of Leon Valley, Texas, and is hereby approved by such City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Secretary"

Exhibit (f).      County Clerk's Recording Acknowledgment is as follows:

"STATE OF TEXAS      X  
COUNTY OF BEXAR    X

I, \_\_\_\_\_, County Clerk of said County, do hereby certify that this subdivision plat was filed for record in my office, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, at \_\_\_\_\_.M. and duly recorded the day of \_\_\_\_\_, A.D. 20\_\_\_\_, at \_\_\_\_\_.M. in the Records of Deeds and Plats of said county, in book Volume \_\_\_\_\_, on Page \_\_\_\_\_.

In testimony whereof, witness my hand and official seal of office, this the \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

\_\_\_\_\_  
County Clerk,  
Bexar County, Texas

By: \_\_\_\_\_  
Deputy"

**EXHIBIT (d/e/f)**

Exhibit (g).      Letter of Authorization is as follows:

"TO:    THE CITY OF LEON VALLEY  
         COMMUNITY DEVELOPMENT DEPARTMENT

RE:    Lot/Block/CB/Subdivision

I am the owner/agent acting on behalf of the owner\*\* (choose one) of the above referenced property and I hereby authorize and request that the City of Leon Valley file with the Clerk of Bexar County the subdivision plat of the above referenced property being submitted by me.

I have coordinated with a member of the City staff the date of \_\_\_\_\_ to have the approval of the subdivision plat considered by the City Council.

I respectfully request that:

1.      A variance be granted to the following required actions (write "NONE" if no variances are requested).
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_
  
2.      The subdivision plat be approved subject to the condition that provide the following items, in the form required by the City, no later than thirty (30) days from the date of the Council's conditional approval (write "NONE" if conditional approval is not requested).
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
  - d. \_\_\_\_\_

I understand that if the variance(s) requested are not granted by Council, the subdivision plat may be denied or conditionally approved subject to satisfaction of those items by me or my agents, in the form required by the City.

I understand that this request for conditional Council approval is a courtesy extended to subdividers for the purpose of expediting subdivision plats which have minor deficiencies. I recognize the courtesy may not be extended in cases where major objections exist.

Furthermore, I understand that if the items listed in Section 2 above are not provided within the required 30-day time period, that my subdivision plat is disapproved and subsequently must be resubmitted to the City for approval at such time as all pending deficiencies are resolved.

I understand and agree that should the Council approve the plat, the original plat drawings shall remain in the custody of the City until recorded. If the plat is withdrawn for correction by the surveyor or engineer the approved plat will be voided if not returned within ten (10) days.

Sincerely,

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAILING ADDRESS

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_"

[\*\*If an individual or agency is acting on behalf of the property owner(s), then a signed, notarized letter authorizing such individual or agency to act on his behalf must accompany this letter.]

Exhibit (h).      Letter of Agent Authorization is as follows:

"TO:    THE CITY OF LEON VALLEY

RE:    Lot/Block/CB/Subdivision

I am the owner of the above referenced property and I hereby authorize \_\_\_\_\_ to act on my behalf in filing a subdivision plat with the City of Leon Valley for the above referenced property. I also authorize the City to deliver this subdivision plat to the Bexar County Clerk for recordation.

Sincerely,

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
COMPANY/PARTNERSHIP (if any)

\_\_\_\_\_  
MAILING ADDRESS

SWORN TO AND SUBSCRIBED before me this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_"

**EXHIBIT (h)**







Exhibit (j).      FORM "C" (Owner's Certification) is as follows:

"STATE OF TEXAS      X  
COUNTY OF BEXAR      X

I (we) the owner(s) of the land shown on this replat hereby certify that this replat does not attempt to amend or remove any covenants or restrictions.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner's Duly Authorized Agent

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

(Seal)

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
My Commission expires: \_\_\_\_\_"

Exhibit (k).      FORM "D" (Owner's Certification) is as follows:

"STATE OF TEXAS      X  
COUNTY OF BEXAR      X

I (we) the owner(s) of the land shown on this replat hereby certify that this replat does not attempt to amend or remove any covenants or restrictions; I (we) further certify that no portion of the proposed area to be replatted was limited within the preceding five (5) years by any interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; I (we) further certify that no lot covered by \_\_\_\_\_ subdivision plat, approved by the City Council of the City of Leon Valley on \_\_\_\_\_, was limited by deed restriction to residential use for not more than two (2) residential units per lot.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owners Duly Authorized Agent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal)

Notary Public in and for the State of Texas

My Commission expires: \_\_\_\_\_ "

Exhibit (I).      FORM "E" (Owner's Certification) is as follows:

"STATE OF TEXAS      X  
COUNTY OF BEXAR    X

I (we) the owner(s) of the land shown on this replat hereby certify that this replat does not attempt to amend or remove any covenants or restrictions. I (we) further certify that all of the proposed area sought to be replatted or resubdivided was designated or reserved for usage by notation on the last legally recorded subdivision plat or in the legally recorded restrictions applicable to such subdivision plat.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner's Duly Authorized Agent

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission expires: \_\_\_\_\_"

Exhibit (m). PERFORMANCE BOND, permitted by Section 24.801a above, shall be in the following form:

"STATE OF TEXAS       X  
COUNTY OF BEXAR    X

KNOW ALL MEN BY THESE PRESENTS, that I (we), \_\_\_\_\_, the undersigned subdivider, as Principal, and \_\_\_\_\_, as Surety, do hereby acknowledge ourselves to beheld and firmly bound unto the City of Leon Valley, a municipal corporation of the County of Bexar and the State of Texas, in the full and just sum of \$ \_\_\_\_\_, for the payment of which will and truly to be made, I (we) hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council of the City of Leon Valley for permission to develop a subdivision within the jurisdiction of the City of Leon Valley, more particularly described as follows, to wit:

\_\_\_\_\_ which is shown on a subdivision plat, entitled "\_\_\_\_\_ Subdivision", heretofore conditionally approved by the City of Leon Valley on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_; and

WHEREAS, under the provisions of the City of Leon Valley subdivision ordinance, being Chapter 24 of the Leon Valley Code, the City Council of the City of Leon Valley requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will construct, or cause to be constructed, according to the requirements of such subdivision ordinance, the following site improvements within twelve (12) months after final approval of the subdivision plat of said subdivision:

\_\_\_\_\_  
NOW, THEREFORE, the condition of this obligation is such that if the Principal shall, on or before the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, construct, or cause to be constructed, the following site improvements: (list)  
\_\_\_\_\_

\_\_\_\_\_ in accordance with the requirements of the City of Leon Valley subdivision ordinance, and the amendments thereto, if any, then this obligation shall be void; otherwise, the obligation made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and SEAL, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
SUBDIVIDER and PRINCIPAL

\_\_\_\_\_  
SURETY

By: \_\_\_\_\_  
Attorney in Fact

APPROVED AND ACCEPTED, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

CITY OF LEON VALLEY  
By: \_\_\_\_\_  
Title: \_\_\_\_\_ "

**EXHIBIT (m.)**

Exhibit (n). TRUST AGREEMENT IN LIEU OF PERFORMANCE BOND  
permitted by Section 24.801a, above, shall be in the following form:

"TRUST AGREEMENT  
IN LIEU OF PERFORMANCE BOND

(Page 1 of 2)

This agreement is between \_\_\_\_\_, subdivider, \_\_\_\_\_,  
trustee, and the City of Leon Valley, Texas.

Subdivider has deposited (or herewith deposits) subject to the  
\_\_\_\_\_ (name and location of the bank, trust company or qualified escrow agent) \_\_\_\_\_, Texas, the sum of \$  
\_\_\_\_\_ for the purpose of constructing site improvements in \_\_\_\_\_ Subdivision in Bexar County,  
Texas for the benefit of the public represented by the City of Leon Valley, more particularly described as follows:

TYPE OF SITE IMPROVEMENT  
(gas and electric lines not included)

Estimated Cost

|                                 |          |
|---------------------------------|----------|
| Alleys                          | \$ _____ |
| Sewer                           | \$ _____ |
| Sidewalks                       | \$ _____ |
| Storm Drainage                  | \$ _____ |
| Streets                         | \$ _____ |
| Water                           | \$ _____ |
| Other Improvement <u>(name)</u> | \$ _____ |

Trustee agrees to authorize expenditures from such trust account, execute checks, drafts and other orders of withdrawal only for the purpose of paying for the cost of constructing such site improvements and such orders shall show thereon the purpose of the withdrawals. The expenditures for each type of site improvements within five (5) days of their authorization.

Subdivider shall, within five (5) days after any single withdrawal of \$1,000.00 or more, or a combination of withdrawals of \$1,000.00 or more has been made, furnish an affidavit showing that the sums of money so withdrawn were expended by subdivider on prescribed site improvements completion and estimating the date of site improvements completion. Said affidavit shall be submitted substantially in the following form:

**EXHIBIT(n.1)**

AFFIDAVIT  
(Page 2 of 3)

STATE OF TEXAS       X  
COUNTY OF BEXAR    X

Before me, the undersigned authority in and for the State and County aforesaid, on this day personally appeared \_\_\_\_\_ who, being by me first duly sworn, upon his oath deposes and says:

I, \_\_\_\_\_, subdivider of the \_\_\_\_\_ Subdivision under date(s) of \_\_\_\_\_, A.D. 20\_\_\_\_, withdrew the sum(s) of \$\_\_\_\_\_, from the trust account heretofore deposited with, \_\_\_\_\_ trustee, and created for such use and purpose, and expended said funds so withdrawn on prescribed site improvements to said \_\_\_\_\_ Subdivision as follows:

| Site Improvement | Amount   | Percentage of Completion |
|------------------|----------|--------------------------|
| _____            | \$ _____ | _____                    |
| _____            | \$ _____ | _____                    |
| _____            | \$ _____ | _____                    |
| _____            | \$ _____ | _____                    |
| _____            | \$ _____ | _____                    |

With the expenditure of these funds, it is estimated that the prescribed site improvements will be completed by \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
Subdivider

SWORN TO AND SUBSCRIBED BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Bexar County, Texas

My Commission expires: \_\_\_\_\_

Until this affidavit is accomplished, no further withdrawals shall be made from said trust account. The trustee shall be authorized to release further funds to the subdivider only after receipt of written notification therefore from the designated City official so to do.

Subdivider agrees to construct all site improvements within twelve (12) months from the date of final approval of the subdivision plat of said subdivision. Upon the failure of the subdivider to provide such site improvements in such subdivision, a resolution of the City Council of the City of Leon Valley declaring that such site improvements have not been completed as required by applicable subdivision regulations shall be final and conclusive on the parties to this agreement. Payment to the City shall be made on the order of the trustee without the necessity of joinder by the subdivider.

A certificate that the sum required herein is on deposit in the above named bank, trust company or qualified escrow agent, subject to withdrawal only as provided herein, signed by an authorized official thereof, is attached hereto.

A copy of this contract has been supplied to the bank, trust company or qualified escrow agent named by the undersigned trustee.

**EXHIBIT(n.2)**



\_\_\_\_\_  
Subdivider

By: \_\_\_\_\_  
Trustee

Date of Execution: \_\_\_\_\_

By: \_\_\_\_\_  
CITY OF LEON VALLEY

Date of Execution: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized City Official"

**EXHIBIT (n.3)**

"IRREVOCABLE LETTER OF CREDIT IN LIEU OF PERFORMANCE BOND

TO: CITY OF LEON VALLEY  
LEON VALLEY, TEXAS

Gentlemen:

The \_\_\_\_\_ (Lender Institute) has established on this \_\_\_\_\_ of \_\_\_\_\_, A.D. 20\_\_\_\_, a commitment to lend sums to our customer, \_\_\_\_\_ to provide for the entire cost of installing the public improvements required by the City of Leon Valley for the \_\_\_\_\_ Subdivision.

Said funds, as approved by the City Engineer, are to be in the amount of:

- A. \$\_\_\_\_\_ for alleys;
- B. \$\_\_\_\_\_ for sanitary sewers;
- C. \$\_\_\_\_\_ for sidewalks;
- D. \$\_\_\_\_\_ for storm drainage facilities;
- E. \$\_\_\_\_\_ for streets;
- F. \$\_\_\_\_\_ for water systems;
- G. \$\_\_\_\_\_ for other public improvement(s)-name-

Subtotal \$\_\_\_\_\_

\$\_\_\_\_\_ 10% Maintenance Warranty

Total \$\_\_\_\_\_ \*

\* Includes fifteen percent (15%) engineering and contingency amounts.

During construction, the commitment evidenced hereby shall be reduced periodically, no more often than monthly, upon receipt and approval by the City of certified statements by lender substantiated by the project engineer's periodic partial payment estimate for work completed and with a ten percent (10%) retainer, as to the amounts paid out for work done, by the amount of such payments; provided, however, that if the contract price under any construction contract for the construction of any part of the facilities exceeds the City's estimated costs for the work remaining to be done under such contract then no reduction shall be permitted until such time as 110 percent of the remaining contract price for the work remaining to be done under such contract is less than the City's estimated costs for the work remaining to be done under such contract.

1. Regardless of anything contained herein to the contrary, the sum allocated for construction of these improvements shall not be reduced to less than twenty-five percent (25%) of the contract price until such time that:
  - a. said facilities have been completed and approved by the City as being installed in accordance with plans and specifications; and
  - b. a one-year warranty bond or substitute letter of credit has been filed with, and accepted by, the City in the amount of ten percent (10%) of actual contract price of the facilities.
2. At such time as all of the subdivision improvements in said subdivision have been completed and accepted by the City for maintenance or either a warranty bond or substitute letter of credit has been filed as required above, the commitment evidenced hereby shall automatically terminate, and this letter of credit shall forthwith be returned to the issuer.

**EXHIBIT (o.1)**

This commitment is made with the understanding that the City can draw any part of the total amount stated herein above, subject to the terms and conditions hereof, if necessary, to provide for any or all of the facilities or maintenance thereof, and that any part of all of the total amount of this credit may be applied by the City to any one or more,

separately or jointly, of the facilities, or maintenance thereof.

I (we) also understand and agree that the only requirement necessary for drawing any part of all of the total amount of this credit is receipted by us, at least ten (10) days in advance of the date on which funds are requested, of a letter request from the City of Leon Valley, signed by the City Manager, stating that one (1) or more of the following conditions exists:

3. All of the following have occurred:
  - a. two (2) years has elapsed since the date of the City's approval of the subdivision plat;
  - b. the facilities have not been completed, the failure to complete such facilities is not due to weather, acts of God, strikes, or other reasons beyond customer's control, and due diligence in the opinion of the City, is not then being used in efforts to complete; and
  - c. We have not, after receipt of written notice to us of our customer's default, assumed in writing the obligation to complete such facilities to the extent of the remaining balance of the Letter of Credit, or, having assumed such obligation, have not within 60 days thereafter, commenced efforts to complete such facilities as provided hereinafter; or
4. The City has valid doubt that the lender's letter of credit may not be properly secured by an appropriate reserve of funds such as a certificate of deposit; or,
5. All of the following have occurred: The \_\_\_\_\_ (Lender) has given written notice, at least ninety (90) days prior to the expiration of this credit, to the City at the address given below, by certified mail return receipt requested, that this credit is about to expire and that the public improvements have not been completed and finally acceptable by the City.

No further substantiation of the necessity of the draw is required by this credit. At the option of the City, a substitute Letter of Credit, in this same form is an amount equal to the total sum stated herein above, subject to any reductions, if any, which have been made hereunder, may be substituted at least fifteen (15) days prior to the expiration date of this credit;

In addition, if default has occurred, the only requirement necessary for drawing any part or all of the total amount of the ten percent (10%) retainer is receipt by us, at least ten (10) days in advance of the date on which funds are requested, of a letter request from the City of Leon Valley signed by the City Manager, stating that the following condition exists:

1. The facilities or portions thereof have failed within one (1) year of acceptance by the City for maintenance due to a defect in materials or workmanship as determined by City.

Notwithstanding anything herein to the contrary, before requesting a draw of any part or all of this credit because of default by our customer to perform maintenance, the City shall notify in writing advising us of this failure and allowing us ten (10) working days to assume the obligations of the customer.

Where the City declares that an emergency exists involving the public safety or welfare, this obligation to notify us prior to making emergency maintenance repairs is waived.

This Letter of Credit shall be subject to and construed in accordance with the laws of the State of Texas and particularly the Texas Business and Commerce Act.

I (we) further state that this credit is irrevocable prior to the expiration date unless all parties, including for all purposes the City of Leon Valley, consent to such revocation in writing. I (we) further agree to provide written notification at least ninety (90) days prior to the expiration of this credit, to the City of Leon Valley, sent by certified mail return receipt requested, that this credit is about to expire.

**EXHIBIT(o.2)**

\_\_\_\_\_  
Lender's Signature

Lender's Printed Name

(Corporate Seal, if any)

Authorized Officer's Signature

Authorized Officer's Printed Name

ATTESTED BY: \_\_\_\_\_  
Signature

---

Printed Name \_\_\_\_\_

**EXHIBIT (o.3)**

Exhibit (p). MAINTENANCE BOND, required by Section 24.802, above, shall be in the following form:

"MAINTENANCE BOND

STATE OF TEXAS       X  
COUNTY OF BEXAR    X

KNOW ALL MEN BY THESE PRESENTS, that I (we), \_\_\_\_\_, the undersigned subdivider, as Principal, and \_\_\_\_\_, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Leon Valley, a municipal corporation of the County of Bexar and State of Texas, in the full and just sum of \$\_\_\_\_\_, (being ten percent (10%) of the estimated cost of the hereinafter enumerated site improvements) for the payment of which will and truly to be made, I (we) hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council of the City of Leon Valley for permission to develop a subdivision within the jurisdiction of the City of Leon Valley more particularly described as follows to wit:

\_\_\_\_\_ which is shown on a subdivision plat, entitled \_\_\_\_\_ Subdivision, heretofore conditionally approved by the City of Leon Valley on \_\_\_\_\_, A.D. 20\_\_\_\_; and

WHEREAS, under the provisions of the Leon Valley Code, Chapter 24, "Subdivisions and Plats", the City Council of the City of Leon Valley requires, as a condition precedent to the granting of such petition, that the Principal furnish a guarantee that he will maintain and cause to be maintained, according to the requirements of such subdivision ordinance, the following site improvements for a period of one (1) year after the approval of the construction thereof by the City: (list)

\_\_\_\_\_  
\_\_\_\_\_

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain, and cause to be maintained, the above mentioned improvements in accordance with the requirements of the City of Leon Valley Code, Chapter 24, and the amendments thereto, if any, for the period of one (1) year after the approval of the construction thereof by the City of Leon Valley and until the final approval of the City of Leon Valley, and until the official acceptance thereof by the City Council, then this obligation shall be void; otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HAND and seal, this \_\_\_\_\_ of \_\_\_\_\_, A.D. \_\_\_\_\_.

\_\_\_\_\_  
Subdivider and Principal

Surety: \_\_\_\_\_

By: \_\_\_\_\_  
Attorney in Fact

APPROVED AND ACCEPTED, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

CITY OF LEON VALLEY

By: \_\_\_\_\_

Title: \_\_\_\_\_ "

Exhibit (q). DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC IMPROVEMENTS required by Section 24.701(b), above, shall be in the following form and is as follows:

"CITY OF LEON VALLEY

No. \_\_\_\_\_

PART I  
DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC IMPROVEMENTS

STATE OF TEXAS                   X  
COUNTY OF BEXAR               X  
CITY OF LEON VALLEY           X

WHEREAS, \_\_\_\_\_, hereinafter called Owner, the owner of the land described as \_\_\_\_\_ Subdivision, desires to file this, Petition, with the City Council of the City of Leon Valley. This petition is being filed in accordance with the terms and provisions of the current regulations.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: \_\_\_\_\_ respectfully files this, Petition, with the City Council of the City of Leon Valley for preliminary acceptance of the following described public improvements (list):

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(Improvement projects shall have limits defined by street, alley between streets, and/or across easements by description of the property.)

OWNER, in filing this petition, sets forth the following information as required in current regulations:

A. Attached is Exhibit "A", a true and correct copy of the itemized construction costs of the above described project(s). Construction was accomplished by Contractor \_\_\_\_\_ (Name) at a total cost of \$\_\_\_\_\_.

B. Attached is Exhibit "B", a maintenance bond in the amount of ten percent (10%) of the itemized construction costs of the above public improvements.

C. Attached is Exhibit "C", three (3) true and correct copies of record (i.e., "as built") drawings certified to by a registered professional engineer.

D. Attached is Exhibit "D", two (2) true and correct copies of field density tests and material source tests, certified by a recognized testing laboratory. (Exhibit "D" is required only for street and alley improvements.)

OWNER GUARANTEES:

A. All materials and workmanship to be in accordance with approved plans specifications prescribed by the City; and

B. To correct any and all deficiencies not in accordance with approved plan and specifications as may be noted until final acceptance by the City; and

**EXHIBIT (q.1)**

C. All materials, workmanship and maintenance in good condition for a period of one (1) year from the date of preliminary acceptance by the City and/or until City final acceptance. The owner, upon completion of the maintenance period, will advise the City when said improvements are ready for final inspection and concurrently request final acceptance thereof. The acceptance of this petition based upon preliminary acceptance of the improvements listed shall not impose any duty upon the City concerning the maintenance of the herein described project(s) until they shall be finally accepted by the Leon Valley City Council.

WHEREFORE, PREMISES CONSIDERED \_\_\_\_\_ respectfully requests that this, Petition, be in all things accepted.

Executed on this the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

Owner: \_\_\_\_\_

ATTEST: By: \_\_\_\_\_

BEFORE ME, the undersigned authority on this day personally appeared \_\_\_\_\_, President of \_\_\_\_\_, a Texas Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein expressed (in the capacity therein stated, as the act and deed of said corporation).

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary Public in and for Bexar County, Texas  
My Commission expires: \_\_\_\_\_

PRELIMINARY ACCEPTANCE

The improvements listed above have been inspected as required by current regulations. I recommend the above petition be in all things granted, subject to the one-year maintenance, in good condition and correction of the deficiencies as may from time to time be noted until final acceptance by the City Council of Leon Valley, Texas.

\_\_\_\_\_  
Date City Engineer

APPROVED AND PRELIMINARILY ACCEPTED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, SUBJECT TO FULFILLMENT OF THE OWNER'S GUARANTEE AS RECORDED IN THE CORPORATE MINUTES BOOK NUMBER \_\_\_\_\_, PAGE \_\_\_\_\_, dated the \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Secretary"

(To be provided in triplicate)





Exhibit (s).      Street Cross Sections are as follows:







Exhibit (t). Curb and Sidewalk Details are as follows:

Exhibit (u). House, Sidewalk, and Driveway Standards are as follows:









Exhibit (v).      Utility Arrangement Plans are as follows:



Exhibit (w). Storm Drainage Velocity and Capacity Charts are as follows:

Exhibit (x).      Rainfall Intensities are as follows:

Exhibit (aa). General Notes are as follows:

**"GENERAL NOTES**

1. The Contractor shall comply with OSHA Standards including confined space entry and provide all devices, manpower and certified personnel.
2. Due to Federal Regulations Title 49, Part 192.181, access to gas valves must be maintained at all times. The Contractor must protect and work around any gas valves that are in the project area.
3. The Contractor shall warrant all work for one (1) year.
4. The Contractor shall provide insurance listing City as an additional insured before working in public right-of-way.
5. The Contractor shall remove and restore traffic signs as needed (no separate pay item).
6. Ten (10) days prior to beginning work, Contractor shall arrange, with the City, for a preconstruction conference to be held at the City and shall thereafter secure a City permit.
7. The Contractor shall notify the City of Leon Valley Public Works Department at 681-1231 prior to placing backfill or concrete and prior to any testing. The Contractor shall request inspection 24 hours in advance. (No inspections are available between 12:00 PM and 1:00 PM or after 4:00 PM daily, weekends or City holidays.)
8. It is the Contractor's responsibility to see that all signs and barricades are properly installed and maintained. All locations and distances will be decided upon in the field by the Contractor, using the TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. The City's construction inspector and the traffic engineering representative will only be responsible to inspect barricades and signs. If in the opinion of the traffic engineering representative and the construction inspector, the barricades and stops do not conform to established standards or are incorrectly placed or are insufficient in quantity to protect the general public, the construction inspector shall have the option to stop operations until such time as the conditions are corrected.
9. Contractor and/or Contractor's independently retained employee or structural design/geotechnical/safety/equipment consultant, if any, shall review these plans and available geotechnical information and the anticipated installation site(s) within the project work area in order to implement Contractor's trench excavation safety protection systems, programs and/or procedures for the project described in the contract documents. The Contractor's implementation of these systems, programs and/or procedures shall provide for adequate trench excavation safety protection that comply with as a minimum, OSHA standards for trench excavations. Specifically, Contractor and/or Contractor's independently retained employee or safety consultant shall implement a trench safety program in accordance with OSHA standards governing the presence and activities of individuals working in and around trench excavation.
10. All gas, electrical, cable or street light piping or wiring which will be located under paved areas or above drainage facilities shall be placed in properly sized (minimum 2" diameter) Schedule 80 PVC conduit with pull strings.
11. Prior to preliminary and final acceptance of the public improvements by the City, Contractor shall arrange for a field inspection to be conducted with City forces. The Contractor shall provide equipment and manpower sufficient to open all manholes (which shall promptly be closed), rotate all valves and open all fire hydrants and water services. These inspections will be arranged by giving seven (7) days prior notice to the City of this need.

**EXHIBIT (aa.1)**

12. The Contractor shall furnish the City with three (3) copies of submittal data on all water or sewer materials to be incorporated into the work for their approval prior to beginning construction.
13. All requirements of the Texas Department of Transportation will be adhered to where applicable.
14. The Contractor shall notify all utility companies in accordance with the Texas One Call System (1-800-545-6005), prior to excavation (existing underground facilities are shown as reflected in visible surface features and records of the various utility companies). The Contractor shall verify the location and grade of the utilities well ahead of excavation operation and shall be responsible for the protection of same during the course of construction.
15. The Contractor shall contact the telephone company cable locator 48 hours prior to any excavation at 650-8228 and protect and support telephone company plant during construction.
16. The Contractor shall contact the following utility companies at least 48 hours prior to any excavation operation:
  - a) San Antonio Water System (SAWS) (210) 225-7461
  - b) Leon Valley Public Works (210) 681-1232

Exhibit (bb).     The Water System Notes are as follows:

"WATER SYSTEM NOTES

1.     The materials and construction standards of the Standard Specifications for Water Works Construction of the San Antonio Water System are adopted for reference and all work shall comply with these standards, except as modified herein.
2.     All work and materials shall comply with the requirements of the American Water Works Association and the Texas Natural Resource Conservation Commission.
3.     When sewer lines are installed in the vicinity of water mains, such installation shall be in strict accordance with the requirements of the Texas Natural Resource Conservation Commission.
4.     The Contractor shall construct water mains six feet (6') from the property line, unless otherwise noted.
5.     Chlorination will be by the Contractor unless otherwise stated.
6.     Ductile iron water mains shall be Class 50 with polyethylene sleeve; C-900 PVC Class 200 (6- or 8-inch diameter) or Class 150 (12-inch diameter) may be used. The use of asbestos cement pipe water mains is not allowed.
7.     The Contractor shall disinfect and hydrostatically test mains in accordance with San Antonio Water System Standards and conduct all bacteriological sampling and testing. Furnish test results to City before connecting to existing main. The City is to be present during testing and interconnection.
8.     The Contractor shall furnish the project engineer with final measurements for all pipe installation, the location and size of all taps, and length of service connections.
9.     All single and dual services shall be one-inch copper.
10.    Excess material shall be disposed of as directed by the project engineer.
11.    Thrust blocks are to be installed for each fitting.
12.    Fire hydrants shall be Mueller Super Centurion 200 5-1/4 inch NO. A-423 mechanical joint, with 2-1/2 inch National Standard nozzle threads and 4-1/2 inch National Standard pumper threads, open left, painted red, with gate valve and joint restraints. (Set valves flush with top of curbs when in parkway.) Fire hydrants shall be placed so as to avoid future driveway locations.
13.    All gate valves shall be resilient seat, left hand open, Mueller A-2370 valves.
14.    Eight-mil polyethylene wrapping will be required on all fittings and valves.

**EXHIBIT (bb.1)**



15. All fittings shall be mechanical joint with concrete blocking, unless otherwise noted. Short Short Body (SSB) fittings may be used.
16. The Contractor shall provide 24-hour notice to homeowners and City prior to discontinuing service to make connection. Service outage shall be limited to the period of 9:00 AM to 4:00 PM and the Director of Public Works or his authorized representative shall be present when the main valves are closed. Night time connections may be required.
17. The Director of Public Works or his authorized representative shall be present during all sampling, testing, or tie-ins by the Contractor (no exceptions).
18. All fittings, pipes and services shall have an initial bed of gravel four (4) inches thick and twelve (12) inches of gravel backfill above pipe unless otherwise shown or authorized in writing by the City Engineer.
19. No blasting is allowed.
20. Backfill in areas under or within three (3) feet of curbs or pavements shall be machine tamped gravel to a point within twelve (12) inches of the surface. Water jetting will not be allowed in these areas.
21. Cast iron meter boxes supported by bricks shall be installed on all services.
22. The Contractor shall provide all temporary flush valves and jumper connections needed.
23. Meter boxes shall be located at a position of one foot (1') from the front of the box to the back of the curb and shall be coordinated by the Contractor to avoid being located in wheelchair ramps and sidewalks. Where sidewalks are to be located near the curblines, the meter box shall be located so as to be behind the sidewalk. All service saddles shall be brass and all corporation and meter stops shall be ball valve type.

Exhibit (cc).     The Sanitary Sewer Notes are as follows:

"SANITARY SEWER NOTES

1. Except as modified herein, the current specifications of the City of San Antonio Standard Specifications for Public Works are adopted for reference. All work shall also comply with the regulations of the Texas Natural Resource Conservation Commission, Chapter 217.
2. Manhole tops shall be set to the elevation provided by the Engineer. Manholes shall have not more than five (5) throat rings for adjustments. All manhole covers in paved areas are to be finished flush with top of finished pavement. All manhole covers outside of paved areas shall be finished four (4) inches above natural ground. Bolt down, water tight manhole covers are required outside of pavement area and in all unsupervised paved areas such as alleys/easements and in all areas subject to flooding.
3. The Contractor shall preserve all construction stakes, marks, and so forth. If any are destroyed or removed by the Contractor or his employees, they shall be replaced at the Contractor's expense.
4. The minimum radius of curvature for any pipe is to be either 200 feet, or the manufacturer's recommendation, whichever is greater. (This requirement is in no way intended to relieve the Contractor of his responsibility to successfully pass the air testing requirements.)
5. When sewer lines are installed in the vicinity of water mains, such installation shall be in strict accordance with the Texas Natural Resource Conservation Commission "Rules and Regulations for Public Water Systems" (~~1988~~ 1995 or any revisions thereto).
6. All sewer pipes shall be compression joint PVC SDR 26 pipe.
7. Y's or T's shall be manufactured Y's and T's.
8. No blasting is allowed.
9. Manholes shall be either monolithic, cast-in-place or precast.
10. Manholes, including rings and covers, shall be constructed so that they are watertight.
11. The Contractor may use precast manholes (provide City with submittal on product). Contractor shall grout all connection boot cavities inside manhole to prevent exposed gaskets by using silicone or other flexible sealant.
12. Any caverns or solution channels encountered during construction shall be reported to the Engineer and to the City.
13. The Contractor shall contact the following utility companies at least 48 hours prior to any construction/excavation operation:

|                          |                |
|--------------------------|----------------|
| San Antonio Water System | (210) 704-7297 |
| Leon Valley Public Works | (210) 681-1232 |

and shall notify the Texas State One call System (1-800-545-6005) in accordance with there rules.

**EXHIBIT (cc.1)**

14. The Contractor shall pay for fire hydrant meter deposit which will be refundable upon return.
15. The Contractor shall be responsible for ensuring that no illegal sewage discharges occur during construction, to include raw sewage in trenches. The Contractor shall submit a plan at the preconstruction conference detailing his method of ensuring no illegal discharges during the construction of the sanitary sewer mains (acceptable means are to pump around sections being constructed or to use tanker trucks).
16. Confined Space Entry - OSHA regulations require that any person entering a confined space obtain a permit daily for entry into any confined space as defined by OSHA regulations. Basic requirements include competent person training, rescue equipment, atmosphere monitoring and testing. Contractor must present City documents certifying the above.
17. Existing underground facilities are shown as reflected in visible surface features and records of the various utility companies. The Contractor shall verify the location and grade of the utilities well ahead of excavation operation and shall be responsible for the protection of same during the course of construction.
18. The Contractor shall be responsible for restoring to its original or better condition any damage done to existing grass areas, curbs, sidewalks or concrete driveways and trenches in grass areas shall be sodded.
19. Whenever power poles are adjacent to the proposed trench, the Contractor shall provide proper shoring or other suitable support during construction of the utility which methods must be approved by the utility company.
20. Existing street pavements and base shall be replaced in kind, but not less than with 8 inches of flexible base and 1-1/2 inches of hot mix asphaltic concrete (Type "D") pavement.
21. Secondary backfill under areas to be paved and within three (3) feet thereof shall be machine tamped gravel or base as shown.
22. The Contractor has the option to tunnel under existing curbs and/or remove and replace curbs damaged during construction.
23. All testing will be provided by the Contractor at his cost.
24. Mains must pass air test per Item 518, City of San Antonio Standard Specifications for Public Works Construction and Texas Natural Resource Conservation Commission regulations, prior to acceptance by Leon Valley.
25. Passage of an approved Go-No-Go deflection testing mandrel shall be required for final acceptance of flexible conduit. The test shall be conducted after the final backfill has been in place at least 30 days and no pipe shall exceed a deflection of five percent (5%). If the defections test is to be run using a rigid ball or mandrel, it shall have a diameter equal to 95% of the inside diameter of the pipe. The test shall be performed without mechanical pulling devices and the City and the design engineer's inspector shall be present during all required inspections. The Contractor shall provide prior notice of this need.
26. Manholes shall be tested for leakage separately and independently of the wastewater lines by hydrostatic exfiltration testing, vacuum testing, or other methods acceptable to the Texas Natural Resource Conservation Commission.
27. All sewer mains shall be laid to grade and shall not sag or otherwise stand water in the main or in the manhole invert section.
28. The sewer system, including stub outs, shall be tested under the supervision of the City of Leon Valley at the time of installation and shall be certified to the City to meet or exceed the requirements of the latest revision of the City of San

Antonio "Standard Specifications for Public Works Construction", Item 518, or its equivalent, relative to establishing a minimum infiltration/exfiltration rate.

29. Utility trench compaction shall achieve 90% proctor density and shall be proof rolled prior to approval of the utility.
30. Thirty (30) days after installation of the sewer mains and prior to preliminary acceptance of public improvements, the Contractor shall cause the mains to be videotaped in color and shall furnish the City with a copy. This activity shall be conducted in the presence of the City inspector.
31. Sewer service laterals shall be six-inch PVC, SDR 26, and be installed per existing guidelines. Contractor to furnish engineer with an as-built plan indicating the location and length of each sewer lateral. All sewer service lines shall extend to the property line.
32. Sewer service laterals and utility conduits shall be marked and located as follows:
  - a. Upon backfilling, a 2" x 4" stake shall be driven a maximum of two (2) feet from the pipe end(s) (stakes shall extend above the ground surface by at least four (4) feet and shall be painted blue for utility conduit and green for sewer laterals);
  - b. Marking ribbons with the word "sewer" shall be tied securely around the pipe end(s) and shall extend above the ground level and shall continue along the 2" x 4" stake from the base, over the top, down the back of the stake, and attached with weatherproof tape wrapped around the stake near the top and the bottom (nails, tacks or staples are not acceptable).

Exhibit (dd).     The Street Notes are as follows:

"STREET NOTES

1. The requirements of the City of San Antonio Standard Specifications for Public Works Construction are adopted for reference, except as otherwise modified herein.
2. The Contractor shall install lay down curbs at driveway locations.
3. Handicapped wheelchair ramps along with all sidewalks over drainage facilities and where otherwise shown shall be installed with the initial street work.
4. All concrete shall be Class A (3,000 psi at 28 days) and meet the material requirements of "Concrete" (Natural Aggregate) of the specifications.
5. All reinforcing steel shall be Grade 40 and meet the material and construction requirements of "Reinforcing Steel" of the specifications. The use of wire mesh in sidewalk, concrete pavements, riprap or driveways is prohibited.
6. Curing shall be made by the impervious membrane method and shall meet the material and construction requirements of "Membrane Curing" of the specifications.
7. All concrete construction shall meet the requirements of "concrete work" of the specifications.
8. Manholes shall be broken down below finish grade level until base is completed and then restored.
9. The engineer will stake the streets one (1) time only and furnish cut sheets to the Contractor. Any construction stakes removed or destroyed by the Contractor or his employees will be replaced at the Contractor's expense.
10. Laboratory testing shall be performed by an approved independent testing laboratory. All cost of testing and retest shall be paid by the Contractor. The following test schedule shall be adhered to:
  - a. Subgrade moisture density test at the rate of three (3) per each block, not to exceed 500 foot spacing (one proctor test);
  - b. Flexible Base - P.I., L.L., and graduation of material used, moisture density test on same spacing as subgrade, quality control test on materials to be used;
  - c. Asphalt Density - in place density test to ensure that a density of between 95 percent and 100 percent of the laboratory method (THD) test method type 706-5) is achieved (furnish three (3) tests and repeat of failures, and report on thickness-laboratory control personnel shall be present at start of asphalt lay down to confirm density, thickness and compaction effort);
  - d. Concrete Structure - one (1) concrete compressive strength test of 4-cylinders each shall be provided per each structure as shown on the drawings;
  - e. Concrete Curb - provide one (1) set of cylinders per each 500 linear feet of curb;
  - f. Concrete Sidewalk - provide one (1) set of cylinders per each 500 feet of sidewalk; and
  - g. All fill in street areas to be select low P.I. material (less than 15) compacted in 6-inch lifts to ninety percent (90%) density (furnish test on compaction in 12-inch lifts each 500 feet);
11. Proof Rolling - All subgrade and each lift of base material shall be proof-rolled to the satisfaction of the City. The Contractor shall provide the necessary equipment and operators for proof-rolling and soft and yielding areas discovered shall be corrected by the Contractor.
12. Surface structures such as mailboxes, street signs, fences, driveways, sidewalks, landscaping, and so forth, are shown on the plans as visible at the time of the survey. It is the Contractor's responsibility to safeguard and maintain any and all surface structures during the course of work and to replace or repair those items which are damaged by the Contractor with like or better quality.

**EXHIBIT (dd.1)**

13. The Contractor is required to adjust all existing manholes (see "Adjusting Existing Manholes" of Specifications) and water valves to match the grade of the street section or to the elevation specified on the plans or by the Engineer.
14. Concrete curb shall be marked at ten-foot intervals with steel approved marking tool. Expansion joints shall be placed at beginnings of all radii and as directed by the Engineer.
15. The Contractor shall be responsible for restoring to its original or better condition, any damages done to existing fences, concrete islands, curbs or concrete driveways (no separate pay item).
16. Concrete sidewalks shall have tooled weakened plane joints every four (4) feet and doweled expansion joint with 1/4 inch bitumastic material 75 feet o/c and abutting existing structures. (Only bar-type steel reinforcement may be used.)
17. The City shall furnish and install street name signs and developer shall reimburse City for material cost. All other traffic signage (stop and yield signs, and so forth) will be furnished and installed by City at no cost.
18. The Contractor shall apply curing compound and install contraction/expansion joints on all concrete work.
19. Secondary backfill under areas to be paved and within three (3) feet thereof shall be machine tamped gravel or base as shown.
20. Existing asphalt to be joined to new asphalt shall be saw cut.

Exhibit (ee). TABLE OF INTERSECTION RETURNS is as follows:

| Interior<br>Angles | Two Local |     | Local<br>& Collector |     | Two Collector |     | Local<br>Collector<br>w/Arterial |     | Two Arterial |     |
|--------------------|-----------|-----|----------------------|-----|---------------|-----|----------------------------------|-----|--------------|-----|
|                    | CR        | PLR | CR                   | PLR | CR            | PLR | CR                               | PLR | CR           | PLR |
| 150-145            | 15        | 5   | 15                   | 6   | 20            | 10  | 25                               | 15  | 25           | 15  |
| 145-140            | 15        | 5   | 15                   | 6   | 20            | 10  | 25                               | 15  | 20           | 10  |
| 140-135            | 15        | 5   | 15                   | 6   | 20            | 10  | 25                               | 15  | 30           | 20  |
| 135-125            | 15        | 5   | 15                   | 6   | 20            | 10  | 25                               | 15  | 35           | 25  |
| 125-85             | 15        | 5   | 15                   | 6   | 20            | 10  | 25                               | 15  | 30           | 25  |
| 85-75              | 20        | 10  | 20                   | 11  | 25            | 15  | 30                               | 20  | 50           | 40  |
| 75-65              | 25        | 15  | 25                   | 16  | 30            | 20  | 35                               | 25  | 80           | 70  |
| 65-55              | 30        | 20  | 30                   | 21  | 35            | 25  | 40                               | 30  | 90           | 80  |
| 55-45              | 35        | 25  | 35                   | 26  | 40            | 30  | 45                               | 35  | 110          | 100 |
| 45-00              | 35        | 25  | 35                   | 26  | 40            | 30  | 45                               | 35  | 150          | 140 |

Subdivisions & Plats

December 2, 2003

2. The violation of this Chapter shall be punishable by penalty of a fine of not less than five dollars (\$5.00) nor more than two thousand dollars (2,000.00). Each day of offense shall be a separate offense.
3. This ordinance shall become effective on and after its passage, approval and publication, as provided by law.

**PASSED** and **APPROVED** this 2nd day of December 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**Ord. No. 03-032**

**Subdivisions & Plats**

**December 2, 2003**

**Chapter 24-**